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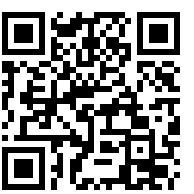

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XXX.

COMPRISING THE PERIOD

FROM THE THIRTEENTH OF DECEMBER

1792,

TO THE TENTH OF MARCH

1794.

PENNSYLVANIA STATE COLLEGE

LONDON:

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1783.	Archbishop of Canterbury.....	Dr. John Moore.
1776.	- - - - - - - - York	William Markham.

Bishops.

1789.	Bishop of St. Asaph	Samuel Halifax.
1783.	- - - - - Bangor.....	John Warren.
1774.	- - - - - Bath and Wells	Charles Moss.
1792.	- - - - - Bristol	Spencer Madan.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1781.	- - - - - Coventry and Litchfield	Hon. James Cornwallis.
1788.	- - - - - St. David's	Samuel Horsley.
1781.	- - - - - Ely	Hon. James Yorke.
1792.	- - - - - Exeter.....	William Buller.
1789.	- - - - - Gloucester	Richard Beadon.
1788.	- - - - - Hereford	John Butler.
1782.	- - - - - Landaff	Richard Watson.
1787.	- - - - - Lincoln	George Prettyman Tomline.
1787.	- - - - - London	Bealby Porteus.
1792.	- - - - - Norwich	Charles Manners Sutton.
1788.	- - - - - Oxford.....	Edward Smallwell.
1769.	- - - - - Peterborough	John Hinchcliffe.
1774.	- - - - - Rochester	John Thomas.
1791.	- - - - - Salisbury.....	John Douglas.
1781.	- - - - - Winchester.....	Brownlow North.
1781.	- - - - - Worcester	Richard Hurd.
1791.	- - - - - Carlisle	Hon. Edward Vernon.
1787.	- - - - - Chester	William Cleaver.
1791	- - - - - Durham	Hon. Shute Barrington.

Lord High Chancellor.

1792.	June 15.	Sir James Eyre, knt.; Sir William Henry Ashurst, knt.; and Sir John Wilson, knt., Commissioners of the Great Seal.
1793.	Jan. 28.	Alexander Lord Loughborough. In 1801 created Earl of Rosslyn.

Lord President of the Council

1784.	Dec. 1.	Earl Camden.

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LORD PRIVY SEAL.

1784. Nov. 27. Earl Gower.

PRINCIPAL SECRETARIES OF STATE.

Home Department.

1791. June. The Right Hon. Henry Dundas.

Foreign Department.

1791. May. Lord Grenville.

SPEAKER OF THE HOUSE OF COMMONS.

1789. May 8. The Right Hon. Henry Addington.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF GREAT BRITAIN.

1791. June 10. Right Hon. William Pitt; and Chancellor of the Exchequer.
Hon. Edward George Eliot.
Richard, Earl of Mornington.
J. Jeffries, viscount Bayham.
Richard Hopkins, esq.

1793. June 20. Right Hon. William Pitt; and Chancellor of the Exchequer.
Richard, Earl of Mornington.
J. Jeffries, viscount Bayham.
Richard Hopkins, esq.
Hon. John Thomas Townshend.

MASTER OF THE ROLLS.

1788. June 7. Sir Richard Pepper Arden, afterwards Lord Alvanley.

ATTORNEY GENERAL.

1788. June 28. Sir Archibald Macdonald, knt.
1793. Feb. 13. Sir John Scott, knt., afterwards Lord Eldon.

SOLICITOR GENERAL.

1788. June 28. Sir John Scott, knt., afterwards Lord Eldon.
1793. Feb. 13. Sir John Mitford, knt., afterwards Lord Redesdale.

LORD ADVOCATE OF SCOTLAND.

1789. Robert Dundas, esq.

SECRETARY AT WAR.

1783. Sir George Yonge, bart.

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Parliamentary History.

33 GEORGE THE THIRD, A. D. 1792.

THIRD SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

[*Continued from Vol. XXIX.*]

DEBATE in the Commons on the Address of Thanks.] December 13, 1792. The Commons being returned to their House, the Speaker was proceeding to read the King's Speech, when he was prevented by

Mr. *Jekyll*, who said he was sorry that, on this occasion, he must depart from the usual order of proceeding, and instead of waiting to hear his majesty's speech read, call the attention of parliament to a subject of great importance, as it involved no less a question, than that of the legality of the subsequent acts of the session. What he meant to submit to their consideration was a matter of privilege, and consequently ought to supersede every other business whatever. The House, he observed, being then met under very extraordinary circumstances, the first question which must naturally suggest itself to every gentleman's mind, was, "by what authority was it actually sitting?" According to the *lex et consuetudo parliamenti*, by which alone, till of late years, the meeting of parliament was regulated, it could not be called together at an earlier day than that to which it had been last prorogued; and no prorogation could be for a shorter period than forty days. The present meeting was clearly contrary to the law and usage of parliament, and a reason ought to be assigned for this departure from them. In a book published by a learned gentleman who had long filled with great ability an office at the table of that House (Mr. Hatsell), it appeared that there was one precedent for such a departure, and that was in the reign of Charles 2nd, when the Dutch, sailing up the Medway, burnt some of our ships at Chatham. At that time there was a recess of parliament, which had been prorogued from July to the month of October. The measure of calling it together before the expiration of the prorogation, was debated in council, where lord Clarendon declared that it was illegal, and suggested that the best way to proceed on the occasion, would be to dissolve the parliament, and call a new one, which could meet in a short time, as it was not then required by law that so long a period, as was at present necessary, should elapse between the test and the return of the writs. Lord Clarendon, however, was over-ruled, and it was determined that the parliament should be called pending the prorogation, and before the expiration of it. He presumed it was not on the authority of this solitary precedent that ministers would rest the legality of the present meeting. They, no doubt, would plead the authority of statute for their departure from common law. There were two acts passed in the present reign, which authorized the king to summon, by proclamation, a meeting of the parliament, at the expiration of fourteen days from the date of the same, notwithstanding any prorogation or adjournment for a longer period. One of these acts gave this authority to the Crown, to be exercised in case of actual invasion. The other, which was the 26th of Geo. 3rd, c. 10, extended it to cases of

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rebellion and insurrection. Here, for the first time, the word "insurrection" was used. How it had crept into the act he could not tell. As no invasion had taken place, he presumed that as ministers had in the king's speech made mention of insurrections, it was on this latter statute that they meant to rest the defence of a measure, which could be legal only in the specified cases, and in every other was contrary to the law and usage of parliament. He wished, therefore, that those who were best qualified to clear up what was obscure and doubtful on this head, would point out where and when this insurrection had taken place, which alone could make the present a legal meeting of parliament, and render its subsequent acts valid and binding on the people.

Mr. Secretary *Dundas* observed, that by the 26th of Geo. 3, c. 10, his majesty had, clearly and expressly, a power to call out the militia, in certain cases, during a prorogation; and whenever he exercised that power, he was bound to call parliament together within fourteen days. The legality of the meeting, and of the subsequent acts of legislation, did not depend, in the smallest degree, upon the truth of the allegations on which ministers should advise the Crown to call out the militia; for in the statute which had been already mentioned, there was a specific clause legalizing every act which the parliament should pass, after having been assembled before the expiration of a prorogation. The validity of its acts would therefore not depend on the truth or falsehood of the grounds on which the meeting might have been advised by ministers. Whether ministers were right or wrong in advising the measure was another question; and probably a satisfactory answer would be given to it in the course of the debate upon the address.

Mr. *Fox* agreed that parliament could legally and with perfect regularity in point of form proceed to business; the calling out of the militia having enabled the king to assemble them in fourteen days. Thus it stood in point of regularity; but he could not think that parliament would meet upon the principles of justice or common sense, and proceed to any business whatever, before they had investigated the truth of the proclamation by which they were convened. What spur of business was it that required such precipitancy? How could they answer to their constituents for implicitly proceeding upon assertions in a proclamation without proof? This was changing into a cause that which was only a pretence. He had no objection, indeed, first to vote an address of thanks to his majesty for his gracious speech; but then he would vote it in the simplest terms possible, and take care not to pledge the House to any strong measure, until it should have been made to appear, that the cause of the present meeting was such, as would warrant so extraordinary a departure from the usual forms.

The Speaker then informed the House that he had attended his majesty in the House of Lords, for the purpose of hearing his majesty's most gracious speech from the throne, of which, to prevent mistakes, he had obtained a copy. The Speaker having read his majesty's speech, Mr. Jenkinson rose, he said, to propose an address to the throne, in the absence ——[Here he was interrupted by a member appearing to be sworn—during which the Lord Mayor entered, and took his seat.]

The *Lord Mayor* (sir James Saunderson) said, that trusting to the candid and liberal indulgence afforded by the House to a new speaker, he rose to move an humble address to his majesty, for his most gracious speech from the throne; and was extremely sorry that he had detained the House so very long, owing to an interruption in the streets, quite unavoidable, and not from any failure in that respect and attention which he felt to be due to the House. Inexperienced in the forms of parliamentary proceeding, he should not have presumed to come forward on this occasion, but on account of the very responsible situation which he had the honour to hold having given him material information on the points to which he should request the favour of their attention. His majesty's proclamation at the close of the last session had very considerably checked the seditious practices which had been found to prevail; but he was scarcely seated in the mayoralty chair, before he became possessed of a variety of information, through different channels, which convinced him that the same mischievous attempts were renewed with augmented force, under a material change of affairs in another country. Numerous societies had been established within the city of London, corresponding and confederating with other

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societies in different parts of the united kingdoms, all formed under specious pretences, but actually tending to subvert the constitution of the country. Those societies, so connected, industriously and unremittingly circulated gratis, a great variety of pernicious publications, adapted to the meanest capacity, and tending to create doubt and discontent in the minds of the lower classes of his fellow-subjects, and by slow but sure means to alienate their minds from their allegiance to the king, and their attachment to the constitution. Under these circumstances, and recollecting also the fatal consequences of insurrection, and the want of timely exertion, some years ago in the capital, and recollecting likewise the calamities which had more recently overwhelmed the metropolis of a neighbouring kingdom, from an apparent want of precaution, he felt himself bound in duty to put his fellow-citizens on their guard; and the manly and decided manner in which they had seconded him, had given vigour to his feeble efforts. The citizens of London by their seasonable, and loyal conduct at this important crisis, aided by the firm and temperate measures of prevention adopted by the executive government, had brought back tranquillity to the city: the societies alluded to had in consequence altered their measures, and were now conducted less openly and more cautiously, but were on that account, the more dangerous. He believed he might venture to aver, that his fellow-citizens had seen, with satisfaction and thankfulness, the paternal care of his majesty for the safety and welfare of his people, and the wise and salutary precautions taken by the executive government to preserve the public happiness at this period. Beneficial as those preparations had been with respect to internal commotion, they might be found still more useful and provident, if applied to external danger. He here alluded principally to the situation of our old ally the States General of the United Provinces; for if measures had been or were to be pursued, as respecting them, repugnant to the law of nations and the positive ties of treaties, we ought to interpose, and we are, by these preparations, the better able to do so with effect. He was happy to be informed, that the excess of the annual revenue beyond the ordinary expenditure would amply provide for vigorous preparations. He sincerely lamented that no farther diminution of the existing taxes could for the present, be expected; but the best means of attaining those important objects, undoubtedly would be the prosecution of such measures as would best secure the public tranquillity. He then moved,

"That an humble address be presented to his majesty, to return his majesty the thanks of this House, for his most gracious speech from the throne:

"To assure his majesty, that it would have afforded us the most sincere satisfaction, if his majesty could have announced to us the secure and undisturbed continuance of all the blessings, which his majesty's subjects have derived from a state of tranquillity; but that we are fully sensible that events have recently occurred, which must require our united vigilance and exertion to preserve to this country the advantages which it has hitherto enjoyed:

"That it has been impossible for us not to perceive, from our own observation in different parts of the country, the increased activity with which seditious practices have of late been openly renewed:

"That we learn with concern, that not only a spirit of tumult and disorder (the natural consequence of such practices) has shown itself in acts of riot and insurrection, which required the interposition of a military force in support of the civil magistrate, but that the industry employed to excite discontent has appeared to proceed from a design to attempt, in concert with persons in foreign countries, the destruction of our happy constitution, and the subversion of all order and government:

"To express our sense of the temper and prudence which have induced his majesty to observe a strict neutrality with respect to the war on the continent, and uniformly to abstain from any interference with respect to the internal affairs of France; but, at the same time, to assure his majesty, that we cannot but participate in the just uneasiness with which his majesty must observe any indications of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandizement, and particularly to adopt measures towards his majesty's allies the States General, inconsistent with the law of nations, and the positive stipulations of existing treaties:

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"That the circumstances which his majesty has been pleased to communicate to us, appear to have rendered it highly important, for the safety and interest of this country, that his majesty should have recourse to those measures of prevention, and internal defence, with which he is entrusted by law:

"That we sincerely hope that these exertions, and the steps which his majesty has taken for augmenting his naval and military force, will have the happy tendency both to maintain internal tranquillity, and to render a firm and temperate conduct effectual for preserving the blessings of peace:

"That his majesty may, at the same time, rely on our zealous concurrence in such measures as may prove to be necessary for the security of these kingdoms, and for the faithful performance of our engagements:

"That we shall proceed to make such provision as shall be requisite for the several branches of the public service:

"That we must indeed see, with the deepest regret, any necessity for extraordinary expenses, which may for a time prevent the application of additional sums, beyond those already annually appropriated, to the reduction of the public debt, or retard the relief which his majesty's subjects might derive from a further diminution of taxes; but that we are fully aware that those great ends (to which our views must anxiously be directed) will themselves ultimately be best promoted by such vigorous and timely exertions as may be necessary for our present and future safety and tranquillity: and that it will, undoubtedly, be a great consolation to us to find, that the excess of the actual revenue, beyond the ordinary expenditure, is such as to furnish ample resources for defraying the expense of vigorous preparations, if the circumstances of the time should render such preparations requisite:

"To offer to his majesty our cordial congratulations on the brilliant successes of the British arms in India, under the able conduct of the marquis Cornwallis, and on the termination of the war in that country by an advantageous and honourable peace, which can, in no respect, be more satisfactory than in its tendency to secure the future tranquillity of the British dominions in that part of the world: and to assure his majesty, that we shall employ our utmost attention, with a view to such measures for the future government of those valuable possessions, as shall appear, from experience and full consideration, most likely to provide for their internal prosperity, and to secure the important advantages which may be derived from thence to the commerce and revenues of this country:

"To express the zeal and readiness with which we shall enter on the consideration of any measures which may appear to be necessary, under the present circumstances, for enforcing obedience to the laws, and for repressing every attempt to disturb the peace and tranquillity of these kingdoms:

"To beseech his majesty to believe, that no endeavours will be wanting, on our part, which can contribute to the present security and permanent advantage of the country: that we shall, on every occasion, be anxious to manifest the continuance of our dutiful and affectionate attachment to his majesty, as well as our firm determination to defend and maintain that constitution, which has so long protected the liberties, and promoted the happiness, of every class of his majesty's subjects:

"That, feeling it to be our first and most essential duty to preserve and transmit to posterity the inestimable blessings which, under the favour of Providence, we have ourselves experienced, we receive, with the warmest emotions of gratitude, the gracious assurances of his majesty's zealous, and cordial co-operation; and we rely with confidence on the decided support of a free aad loyal people."

Mr. *Wallace* seconded the motion. He said that no man could entertain a rational doubt of the propriety of every part of the speech, and of the measure of calling the parliament together before the expiration of the term of the prorogation. The insurrections that had taken place in various parts of the kingdom, were matters of such notoriety, that it would be a waste of time to enumerate or specify them. Publications had been circulated through the country, calculated to inflame the minds of the people, to render them dissatisfied with the present government, and to induce them to pull down our happy constitution and establish in its stead another, formed on the model of the French republic. That the societies, by which these publications were circulated, must have had such a revolution for their object, could not be doubted by any man

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who considered that there was a close connexion between them and the ruling powers in France. They kept up a correspondence with the national convention, and even sent over deputies to it, who were received with the utmost respect, whose addresses were loudly applauded, and who were admitted with honours into the body of the house. These societies sympathised in every thing with the French: their countenances betrayed a dejection, when the duke of Brunswick was on his march to Paris, which could be surpassed only by the extravagant joy which they expressed when he was obliged to retreat. Their connexion with the French was the more alarming, as the latter professed principles dangerous to every neighbouring state; they maintained the propriety of fomenting divisions among the subjects of the surrounding nations; and held out promises of protection and support to all those who should think themselves aggrieved, and wished therefore to change the form of their government. In consequence of those principles, they had already invaded the Netherlands, and now threatened to deprive the Dutch of advantages which they had long enjoyed, which had been guaranteed to them by France herself, by England, and even by the sovereign of the Netherlands. They could therefore have no just ground for such a proceeding; whilst we, on the other hand, were bound to fulfil our engagements with Holland specifically contracted, without inquiring why or wherefore the navigation of the Scheldt, had been secured to the dutch. All that we had to consider on the occasion was, that they were in possession of the exclusive navigation of that river by the consent of surrounding nations, and of the house of Austria itself; and that we had pledged ourselves to maintain them in that possession. Seeing the state of affairs in this point of view, it was with great pleasure that he seconded the motion for an address, because he conceived that in so doing he was giving support to a system of government under which the country had risen to enviable prosperity.

Lord *Fielding* said, that it had not been often in his power to agree with ministers or give his approbation to their measures; on this day, however, they should have his support. The question on this occasion was not whether we should have this minister or that, but whether we should have any government at all. The time was come when every man who was a friend to monarchy, and to the constitution in church and state, as it was established at the glorious revolution, should speak out, and rally round the throne. That throne and that constitution he was determined to defend at the hazard of every thing that was dear to him; and if ministers stood in need of new or extraordinary powers for the preservation of both, he, for one was ready to vote them; and as an earnest of his sincerity in this declaration, he gave notice that he would on Monday next move for leave to bring in a bill for suspending the habeas-corpus act, as far as it should relate to the persons of foreigners.

The Earl of *Wycombe* declared that it was impossible for him to approve of what he did not understand, and therefore he could not give praise to ministers, or vote an address of thanks to the king, for what was either not within his knowledge, or beyond his comprehension. But this much he was able to say, that the speech calumniated the people of England; for so far was he from being able to discover any trace or symptom of insurrection, that the kingdom was at that very moment absolutely overflowing with loyalty. To the constitution he was as warmly attached as any man in the nation, and would be as ready to rally round the throne and defend it in the hour of danger. He believed that there were very few, if any who entertained a serious wish to pull down the constitution. The calamities which had befallen a neighbouring country would deter men from forming experimental governments. He knew that with respect to forms of government, in general there were different opinions held in England; but they were merely speculative, and ought not to occasion any alarm, unless they were called forth into action, and made the ground-work of active measures. It was impossible that men should discuss a question respecting forms of government, without differing from each other in opinion; but as long as they confined themselves to mere argument, they could not be said, to afford any real ground for alarm. The constitution of England was perfectly safe, because it was a good one, and for a still better reason, because it was the government of the people's choice. Where, then, he asked was the cause of the alarm? It was evident that it did not exist in England. Did gentlemen think that it was to be found in Scotland?

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Certainly not; for what the people of that country looked for was not a subversion, but simply a reform of the constitution, and the removal of certain abuses or defects in the representation of the Commons. They had no hostile intentions against either the crown or the House of Lords. Was it in Ireland that the cause for alarm might be discovered? Certainly not; for the claims of the Catholics of that kingdom were neither unreasonable nor inimical to the constitution. They looked for a participation of its blessings, and not for its overthrow; and he hoped the day was not distant when civil penalties on account of religious opinions would be at an end, when religion would be considered by the state in the light in which it ought to be viewed, as a matter between the creature and his maker.—He had heard with great sorrow that part of his majesty's speech which adverted to the possibility of a foreign war. There was not, in his opinion, a sufficient cause for it at present; nor did he believe that any thing short of an actual invasion could justify a nation in entering into a foreign war. He was so very near being decidedly of that opinion, that if a motion were made for leave to bring in a bill for declaring that the country should never engage in any war, unless for the purpose of resisting an invasion, he verily believed he should vote for it. If we were bound by the treaty of 1788 to maintain to Holland the exclusive navigation of the Scheldt, and to the Stadtholder his privileges, more shame to those who entered into such an engagement. His lordship read the third article of that treaty, and showed that it amounted to a violation of the law of nations. The office of stadtholder, he said was no essential part of the republic; the Dutch might see cause for modifying or abolishing it; but this article told them, that if ever they should presume to do such a thing, though they had an undoubted right to do it, the power of England should be sent forth in support of the stadtholder, and against the sovereign right of the republic. The opening of the navigation of the Scheldt did not strike him as being of sufficient consequence to justify a war with France. Were she to wish to throw open that trade to Spanish America, would it be the interest of England to prevent her? She might even open to herself the Black Sea; but that would not operate to the injury or exclusion of England; for her activity and her capital would enable her to pursue the same track, and come in for a share of the advantages of the trade carried on in that quarter. Should we unfortunately be forced into a war with France, who certainly had not provoked it by any act of hostility or attempt to invade our territory, he did not see how we could make any impression upon that country. She had of late begun to think that a system of colonizing, and holding transmarine possessions, was not wise or politic, and therefore she would not be very solicitous about preserving her colonies, which she now considered rather as her weakness than her strength; and, indeed, this opinion respecting such possessions was not peculiar to France, for there were persons of great abilities who doubted much whether England would not be more powerful without her colonies than with them; for whilst on the one hand she would be sure of being able to trade with them, she would on the other find herself relieved from the enormous expense of defending them. The revolution in North America had occasioned this doubt; for our commerce with the United States was more advantageous to us at this moment than it was whilst they were parts of the British empire, and consequently when the mother country was obliged to incur the expense of defending them. We might, it was true, injure the trade of France, were we to go to war with that country; but it ought to be remembered, that the more our own trade was extended, the more it would be exposed to danger. Upon the whole, he did not hesitate to declare, that in his opinion a war with France, in the present circumstances, would be highly imprudent; he, therefore, should not be able to vote for the address.

Mr. *Fox* rose and said:—Although, Sir, what has fallen from the noble earl behind me contains the substance of almost all that I have to offer, and although it must have produced the effects which good sense, truth, and solid argument never fail to produce on a great body, the tacit acknowledgment of all who heard him, insomuch, that no one seemed ready to venture to rise up in answer to the noble earl, yet I cannot avoid offering my opinion on the present most critical and most alarming occasion. I am not so little acquainted with the nature of man as not to know, that in public speaking, in order to engage the attention of the

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hearers, besides the efficacy of fair and candid reasoning, a man ought always to be in temper and unison with his audience. He ought to show, that however they may differ upon points, they are still pursuing in reality the same object, namely, the love of truth. With this object in view, I shall, Sir, state explicitly what are my sentiments on the subjects now presented to our notice by the speech from the throne. And first, I state it to be my conviction, that we are assembled at the most critical and momentous crisis, not only that I have ever known, but that I have ever read of in the history of this country—a crisis not merely interesting to ourselves but to all nations; and that on the conduct of parliament at this crisis depends not only the fate of the British constitution, but the future happiness of mankind.—His majesty's speech, Sir, is full of a variety of assertions, or perhaps I should not make use of the word assertions, without adding, that it has also a variety of insinuations conveyed in the shape of assertions, which must impress every man with the most imminent apprehensions for the safety of every thing that is justly dear to Englishmen. It is our first duty to inquire into the truth of these assertions and insinuations so conveyed to us from the throne. I am sure I need not recur to the old parliamentary usage of declaring, that when I speak of the king's speech, I mean to be considered as speaking of the speech of the minister, since no one, I trust, will impute to me a want of due and sincere respect for his majesty. It is the speech which his majesty has been advised, by his confidential servants, to deliver from the throne. They are responsible for every letter of it, and to them and them only, every observation is addressed. I state it, therefore, to be my firm opinion, that there is not one fact asserted in his majesty's speech which is not false—not one assertion or insinuation which is not unfounded. Nay, I cannot be so uncandid as to believe, that even the ministers themselves think them true. This charge upon his majesty's ministers is of so serious a kind, that I do not pronounce it lightly; and I desire that gentlemen will go fairly into the consideration of the subject, and manifest the proper spirit of the representatives of the people in such a moment. What the noble earl said is most strictly true. The great, prominent feature of the speech is, that it is an intolerable calumny on the people of Great Britain; an insinuation of so gross and so black a nature, that it demands the strictest inquiry, and the most severe punishment.

The next assertion is, that there exists at this moment an insurrection in this kingdom. An insurrection! Where is it? Where has it reared its head? Good God! an insurrection in Great Britain! No wonder that the militia were called out, and parliament assembled in the extraordinary way in which they have been. But where is it? Two gentlemen have delivered sentiments in commendation and illustration of the speech; and yet, though this insurrection has existed for fourteen days, they have given us no light whatever, no clue, no information where to find it. The right honourable magistrate tells us, that, in his high municipal situation, he has received certain information which he does not think proper to communicate to us. This is really carrying the doctrine of confidence to a length indeed. Not content with ministers leading the House of Commons into the most extravagant and embarrasing situations, under the blind cover of confidence, we are now told that a municipal magistrate has information of an insurrection, which he does not choose to lay before the Commons of England, but which he assures us is sufficient to justify the alarm that has spread over the whole country! The hon. seconder tells us, that the "insurrections are too notorious to be described." I will take upon me to say, Sir, that it is not the notoriety of the insurrections which prevents those gentlemen from communicating to us the particulars, but their non-existence.—The speech goes on in the same strain of calumny and falsehood, and says, "the industry employed to excite discontent on various pretexts and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, aud the subversion of all order and government." I beseech gentlemen to consider the import of these words, and I demand of their honour and truth, if they believe this assertion to be founded in fact. There have been, as I understand, and as every one must have heard, some slight riots in different parts of the country, but I ask them, were not the various pretexts of these different tumults false, and used only to cover an attempt to destroy our happy constitution? I

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have heard of a tumult at Shields, of another at Leith, of some riot at Yarmouth, and of something of the same nature at Perth and Dundee. I ask gentlemen if they believe that in each of these places the avowed object of the complaint of the people, was not the real one—that the sailors at Shields, Yarmouth, &c. did not really want some increase of their wages, but where actuated by a design of overthrowing the constitution? Is there a man in England who believes this insinuation to be true? And in like manner of every other meeting, to which, in the present spirit, men may give the name of tumultuous assembling. I desire to know if there has been discovered any motive other than their open and avowed one. And yet, with this conviction in our minds, we are called upon to declare directly our belief and persuasion that these things are so. We are called upon to join in the libel upon our constituents. The answer to the speech says, that we know of the tumult and disorder, but as to the actual insurrection, it more modestly make us say, "that we are sorry to hear there is an insurrection:" Of the tumults and disorders, then, we have personal knowledge; but the insurrection we learn from his majesty's speech!

I do not wish to enter at length into the affairs of France, which form the next prominent passage in his majesty's speech; but though I do not desire to enter at length into this part, I cannot conceal my sentiments on certain doctrines which I have heard this night. The honourable seconder thought proper to say, as a proof that there existed a dangerous spirit in this country, that it was manifested by the drooping and dejected aspect of many persons, when the tidings of Dumourier's surrender arrived in England. What, Sir, is this to be considered as a sign of discontent, and of a preference to republican doctrines? That men should droop and be dejected in their spirits, when they heard that the armies of despotism had triumphed over an army fighting for liberty; if such dejection be a proof that men are discontented with the constitution of England, and leagued with foreigners in an attempt to destroy it, I give myself up to my country as a guilty man, for I freely confess, that when I heard of the surrender or retreat of Dumourier, and that there was a probability of the triumph of the armies of Austria and Prussia over the liberties of France, my spirits drooped, and I was dejected. What, Sir, could any man who loves the constitution of England, who feels its principles in his heart, wish success to the duke of Brunswick, after reading a Manifesto*

* The following is a Copy of the Duke of Brunswick's Manifesto:

"When their majesties the emperor and the king of Prussia entrusted me with the command of their armies, which have since entered France, and rendered me the organ of their intentions, expressed in the two declarations of the 25th and 27th of July 1792, their majesties were incapable of supposing the scenes of horror which have preceded and brought on the imprisonment of the royal family of France. Such enormities, of which the history of the most barbarous nations hardly furnishes an example, were not, however, the ultimate point to which the same audacious demagogues aspired.

"The suppression of the king's functions, which had been reserved to him by the constitution (so long boasted as expressing the national wish) was the last crime of the national assembly, and which has brought on France the two dreadful scourges of war and anarchy. There is but one step more necessary to perpetuate those evils; and a thoughtless caprice, the forerunner of the fall of nations, has overwhelmed those who qualify themselves the substitutes of the nation, to confirm its happiness and rights on the most solid basis. The first decree of their convention was the abolition of royalty in France; and the unqualified acclamations of a few individuals, some of whom are strangers, has been thought of sufficient weight to overbalance the opinions of fourteen centuries, during which the French monarchy has existed.

"This proceeding, at which only the enemies of France could rejoice, if they could suppose its effects lasting, is directly contrary to the firm resolution which their majesties the emperor and the king of Prussia have adopted, and from which they will never depart,—that of restoring his most christian majesty to his liberty, safety, and royal dignity, or to take exemplary vengeance on those who dare to continue their insults.

"For these reasons, the undersigned declares to the French nation in general, and to every individual in particular, that their majesties the emperor and the king of Prussia, invariably attached to the principle of not interfering in the internal government of France, persist equally in requiring that his most christian majesty, and all the royal family shall be instantly set at liberty by those who now imprison them.—Their majesties insist also, that the royal dignity shall, without delay, be reestablished in France in the person of Louis 16th and his successors; and that measures may be taken in order that the royal dignity may not again be liable to

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which violated every doctrine that Englishmen hold sacred, which trampled under foot every principle of justice and humanity and freedom and true government; and upon which the combined armies entered the kingdom of France, with which they had nothing to do; and when he heard, or thought that he saw a probability of their success, could any man possessing true British feelings be other than dejected? I honestly confess, Sir, that I never felt more sincere gloom and dejection in my life; for I saw in the triumph of that conspiracy, not merely the ruin of liberty in France, but the ruin of liberty in England; the ruin of the liberty of man. But, am I to be told that my sorrow was an evident proof of my being connected with the French nation, or with any persons in that nation, for the purpose of aiding them in creating discontents in England, or in making any attempt to destroy the British constitution? If such a conclusion were to be drawn from the dejection of those who are hostile to the maxims of tyranny, upon which the invasion of France was founded, what must we say of those men who acknowledge that they are sorry the invasion did not prosper? Am I to believe that the hon. gentleman, and all others, who confess their sorrow at the failure of Prussia and Austria, were connected with the courts in concert, and that a considerable body of persons in this country were actually in the horrid league formed against human liberty? Are we taught to bring this heavy charge against all those, whose spirits drooped on the reverse of the news, and when it turned out that it was not Dumourier, but the duke of Brunswick who had retreated? No; he would not charge them with being confederates with the invaders of France; nor could they believe, that the really constitutional men of England, who rejoiced at the overthrow of that horrid and profligate scheme, wished to draw therefrom any thing hostile to the established government of England.

But what, Sir, are the doctrines that they desire to set up by this insinuation of gloom and dejection? That Englishmen are not to dare to have any genuine feelings of their own; that they must not rejoice but by rule; that they must not think but by order; that no man shall dare to exercise his faculties in contemplating the objects that surround him, nor give way to the indulgence of his joy or grief in the emotions that they excite, but according to the instructions that he shall receive. That, in observing the events that happen to surrounding and neutral nations, he shall not dare to think whether they are favourable to the principles that contribute to the happiness of man, or the contrary; and that he must take, not merely his opinions, but his sensations from his majesty's ministers and their satellites for the time being! Sir, whenever the time shall come that the character and spirits of Englishmen are so subdued; when they shall consent to believe that every thing which happens around is indifferent both to their understandings and their hearts; and when they shall be brought to rejoice and grieve, just as it shall suit the taste, the caprice, or the ends of ministers, then I pronounce the constitution of this country to be extinct. We have read, Sir, of religious persecutions, of the implacable oppressions of the Roman see, of the horrors of the inquisition of Spain; but so obdurate, so hard, so intolerable a scheme of cruelty, was never engendered in the mind of, much less practised by, any tyrant, spiritual or temporal. For see to what lengths they carry this system of intellectual oppression! "On various pretexts there have been tumults and disorders, but the true design was the destruction of our happy constitution." So says the speech, and mark the illustration of the right hon.

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the insult to which it is now subject. If the French nation have not entirely lost sight of their real interests, and if, free in their resolutions, they wish to end the calamities of war, which expose so many provinces to the evils inseparable from armies, they will not hesitate a moment to declare their acquiescence with the peremptory demands which I address to them in the name of the emperor and king of Prussia; and which, if refused, must inevitably bring on this kingdom, lately so flourishing, new and more terrible misfortunes.

"The measures which the French nation may adopt, in consequence of this declaration, must either extend and perpetuate the dreadful effects of an unhappy war, in destroying, by the abolition of monarchy, the means of renewing the ancient connexions which subsisted between France and the sovereigns of Europe, or those measures may open the way to negociations for the re-establishment of peace, order, and tranquillity, which those who name themselves the deputies of the national will are most interested in restoring speedily to the nation.

"C. F. Duke of Brunswick Lunenburg."

Hans, Sept. 28. 1792.

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magistrate: "There have been various societies established in the city of London, instituted for the plausible purpose of merely discussing constitutional questions but which were really designed to propagate seditious doctrines." So, then, by this new scheme of tyranny, we are not to judge of the conduct of men by their overt acts, but are to arrogate to ourselves at once the province and the power of the Deity; we are to arraign a man for his secret thoughts, and to punish him, because we chuse to believe him guilty! "You tell me, indeed," says one of these municipal inquisitors, "that you meet for an honest purpose, but I know better; your plausible pretext shall not impose upon me; I know your seditious design; I will brand you for a traitor by my own proper authority." What innocence can be safe against such a power? What inquisitor of Spain, of ancient or of modern tyranny, can hold so lofty a tone? Well and nobly and seasonably, has the noble earl said—and I would not weaken the sentiment by repeating it in terms less forcible than his own, but that eternal truth cannot suffer by the feebleness of the terms in which it is conveyed—"There are speculative people in this country, who disapprove of the system of our government, and there must be such men as long as the land is free; for it is of the very essence of freedom for men to differ upon speculative points." Is it possible to conceive, that it should enter into the imaginations of freemen to doubt this truth? The instant that the general sense of the people shall question this truth, and that opinion shall be held dependent on the will of ministers and magistrates, from that moment I date the extinction of our liberties as a people. Our constitution was not made, thank God! in a day. It is the result of gradual and progressive wisdom. Never has the protecting genius of England been either asleep or satisfied.

——"O but man, proud man!
Drest in a little brief authority,
Plays such fantastic tricks before high heaven,
As make the angels weep."

Now, it seems, the constitution is complete—now we are to stand still. We are to deride the practice and the wisdom of our forefathers: we are to elevate ourselves with the constitution in our hands, and to hold it forth to a wondering world as a model of human perfection. Away with all further improvement, for it is impossible! Away with all further amelioration of the state of man in society, for it is needless! Let no man touch this work of man; it is like the work of heaven, perfect in all its parts, and, unlike every other work of man, it is neither capable of perversion nor subject to decay! Such is the presumptuous language that we hear; and, not content with this haughty tone, they imitate the celebrated anathema of brother Peter, in the tale of a tub, and exclaim, "G—d confound you both eternally if you offer to believe otherwise."

Now this, Sir, is the crisis which I think so truly alarming. We are come to the moment, when the question is, whether we shall give to the king, that is, to the executive government, complete power over our thoughts; whether we are to resign the exercise of our natural faculties to the ministers for the time being, or whether we shall maintain, that in England no man is criminal, but by the commission of overt acts forbidden by the law. This I call a crisis more imminent and tremendous than any that the history of this country ever exhibited. I am not so ignorant of the present state of men's minds, and of the ferment artfully created as not to know that I am now advancing an opinion likely to be unpopular. It is not the first time that I have incurred the same hazard. But I am as ready to meet the current of popular opinion now running in favour of those high lay doctrines, as in the year 1783 I was to meet the opposite torrent, when it was said, that I wished to sacrifice the people to the crown. I will do now as I did then.—I will act against the cry of the moment, in the confidence, that the good sense and reflection of the people will bear me out. I know well that there are societies who have published opinions, and circulated pamphlets, containing doctrines tending, if you please, to subvert our establishments. I say that they have done nothing unlawful in this; for these pamphlets have not been suppressed by law. Shew me the law that orders these books to be burnt, and I will acknowledge the illegality of their proceedings; but if there be no such law, you violate the law in acting without authority. You have taken upon you to do that for which you have no warrant; you have voted them to be guilty. What is the course prescribed by law? If any doctrines are published tending to subvert the constitution in church

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and state, you may take cognizance of the fact in a court of law. What have you done? Taken upon you by your own authority to suppress them—to erect every man, not merely into an inquisitor, but into a judge, a spy, an informer—to set father against father, brother against brother, and neighbour against neighbour, and in this way you expect to maintain the peace and tranquillity of the country! You have gone upon the principles of slavery in all your proceedings; you neglect in your conduct the foundation of all legitimate government, the rights of the people; and, setting up this bugbear, you spread a panic for the very purpose of sanctifying this infringement, while again the very infringement engenders the evil which you dread. One extreme naturally leads to another. Those who dread republicanism, fly for shelter to the crown. Those who desire reform and are calumniated, are driven by despair to republicanism. And this is the evil that I dread!

These are the extremes into which these violent agitations hurry the people to the gradual decrease of that middle order of men who shudder as much at republicanism on the one hand, as they do at despotism on the other. That middle order of men, who have hitherto preserved to this country all that is dear in life, I am sorry to say it, is daily lessening; but permit me to add, that while my feeble voice continues, it shall not be totally extinct; there shall at least be one man who will, in this ferment of extremes, preserve the centre point. I may be abused by one side, I may be libelled by the other; I may be branded at one and the same time with the terms of fireband and lukewarm politician; but though I love popularity, and own that there is no external reward so dear to me as the good opinion and confidence of my fellow citizens, yet no temptation whatever shall ever induce me to join any association that has for its object a change in the basis of our constitution, or an extension of that basis beyond the just proportion. I will stand in the gap, and oppose myself to all the wild projects of a new-fangled theory, as much as against the monstrous iniquity of exploded doctrines. I conceive the latter to be more our present danger than the former. I see, not merely in the panic of the timorous, but in the acts of the designing, cause for alarm against the most abhorrent doctrines. The new associations have acted with little disguise. One of them, the association for preserving liberty and property against republicans and levellers, I must applaud for the sincerity of its practice. Mr. Chairman Reeves says, that they will not only prosecute, but they will convince men, and they recommend, among other publications, a hand-bill, intituled, "One penny-worth of truth from Thomas Bull to his brother John," in which, among other odd things, it is said, "Have you not read the Bible? Do you not know that it is there written, that kings are the Lord's anointed? But whoever heard of an anointed republic? Such is the manner in which these associations are to "convince" the minds of men! In the course of the present century, their recommendation would have been prosecuted as high treason. In the years 1715 and 1745, the person who dared to say that kings derived their power from divine right, would have been prosecuted for treason; and I ask if, even now, this is the way to inculcate the principles of genuine loyalty? No, Sir, thank God, the people of this country have a better ground of loyalty to the house of Brunswick than that of divine right, namely, that they are the sovereigns of their own election; that their right is not derived from superstition but from the choice of the people themselves; that it originated in the only genuine fountain of all royal power, the will of the many; and that it has been strengthened and confirmed by the experience of the blessings they have enjoyed, because the house of Brunswick has remembered the principles upon which they received the crown. It is rather extraordinary, Sir, that such language should be held at this precise moment; that it should be thought right to abuse republics, at the very moment that we are called upon to protect the republic of Holland. To spread the doctrine that kings only govern by divine right, may indispose your allies to receive your proposed succour. They may not chuse to receive into their country your admirals and generals, who being appointed by this king, in divine right, must partake of the same anger, and be supposed sworn enemies to all forms of government not so sanctified. Surely, independent of the falsehood and the danger of preaching up such doctrines at home, it is the height of impolicy at this time to hold them in regard even to our neighbours. It may be asked, would I

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prosecute such papers? To this I answer very candidly, I would not. I never yet saw the seditious paper that I would have thought it necessary to prosecute; but this by no means implies that emergencies may not make it proper; but surely there is nothing so essential to the true check of sedition, as impartiality in prosecution. If a government wishes to be respected, they must act with the strictest impartiality, and show that they are as determined to prevent the propagations of doctrines injurious to the rights of the people, as of those which are hostile to the rights of the crown. If men are to be encouraged to rally round the one standard, you must not, you ought not to prevent volunteers from rallying round the other; unless you desire to stifle in the breasts of men the surest and most active principle of obedience, a belief in your impartiality.

When I first heard, Sir, that the militia were called out, I felt more anxiety and consternation than ever possessed my mind. I thought that information had certainly been received of some actual insurrection, or impending invasion. But when I heard that they were not called out to enable ministers to send the troops to any distant part, to Ireland or to Scotland (where they might know of disturbances, though I did not), but that troops were assembling round London, I firmly believed the whole to be a fraud; for I have friends in and about London, as intelligent, as vigilant, as much interested in the tranquillity of the metropolis, as the right hon. magistrate; and I was confident, that an insurrection could not actually exist in London without being known. I pronounced it in my own mind to be a fraud, and I here again pronounce it to be so. I am not given to make light assertions in this House, nor do I desire to receive implicit belief. I deprecate confidence on my bare assertion. On the contrary, I state, that I believe this pretext to be a fraud, and I intreat you to inquire, that you may ascertain the truth. I know that there are societies who have indulged themselves, as I think, in silly and frantic speculations, and who have published toasts, &c. that are objectionable; but that there is any insurrection, or that any attempt was making to overthrow the constitution, I deny. Now if this assertion of ministers is a falsehood, is it an innocent falsehood? Are the people of this country playthings in the hands of ministers, that they may frighten them and disturb them at pleasure? Are they to treat them as some weak, jealous-pated, and capricious men treat their wives and mistresses—alarm them with false stories, that they may cruelly feast on the torture of their apprehensions, and delight in the susceptibility that drowns them in tears! Have they no better enjoyment than to put forth false alarms, that they know may draw from the people the soothing expressions of agitated loyalty? Or do they think that these expressions, generously, readily made, in favour of the king, whom the people rationally love, may extend in its influence to all the persons that are near his throne? Indulging in this passion, they may keep us incessantly in the tumult of apprehension, until at last they so habituate the mind to dread the evil in this quarter, as to look for it in no other, or to stun it by repeated shocks of fiction into an insensibility of real attack.

His majesty, in the next passage of the speech, brings us to the apprehension of a war. I shall refrain at this time from saying all that occurs to me on this subject, because I wish to keep precisely to the immediate subject: but never, surely, had this country so much reason to wish for peace; never was a period so little favourable to a rupture with France, or with any other power. I am not ready to subscribe exactly to the idea of the noble lord, of the propriety of a resolution never to go to war, unless we are attacked; but I wish that a motion was proposed by some one, to express our disapprobation of entering upon any war, if we can by any honourable means avoid it. Let no man be deterred by the dread of being in a minority. A minority saved this country from a war against Russia. And surely it is our duty, as it is our true policy, to exert every means to avert that greatest of national calamities. In the year 1789 we all must remember that Spain provoked this country by an insult, which is a real aggression: we were all agreed on the necessity of the case, but did we go headlong to war? No; we determined with becoming fortitude on an armed negociation. We did negociate, and we avoided a war. But now we disdain to negociate. Why? Because we have no minister at Paris. Why have we no minister there? Because France is a republic! And thus we are to pay with the blood and treasure of the people, for

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a punctilio! If there are discontents in the kingdom, Sir, this is the way to inflame them. It is of no consequence to any people what is the form of the government with which they may have to treat. It is with the governors, whatever may be the form, that in common sense and policy they can have to do. Having no legitimate concern with the internal state of any independent people, the road of common sense is simple and direct. That of pride and punctilio is as entangled as it is crooked. Is the pretext the opening of the Scheldt? I cannot believe that such an object can be the real cause. I doubt even if a war on this pretext would be undertaken with the approbation of the Dutch. What was the conduct of the French themselves under their depraved old system, when the good of the people never entered into the contemplation of the cabinet? The emperor threatened to open the Scheldt in 1786. Did the French go to war with him instantly to prevent it? No. They opened a negociation, and prevented it by interfering with their good offices. Why have we not so interfered? Because, forsooth, France is an unanointed republic! Oh miserable, infatuated Frenchmen! Oh lame and inconsiderate politicians! Why, instead of breaking the holy vial of Rheims, why did you not pour some of the sacred oil on the heads of your executive council, that the pride of states might not be forced to plunge themselves and you into the horrors of war, rather than be contaminated by your acquaintance! How short-sighted were you to believe, that the prejudices of infants had departed with the gloom of ignorance, and that states were grown up to a state of manhood and reason!

This naturally brings us back again to the business of this day, namely, whether any address should be agreed to or not. I desire, then, to put it seriously to the conscience and honour of gentlemen to say, whether they will not be aiding the object of republicans and levellers, if they should agree to plunge this country headlong into a war, or give any pledge whatever to the crown, until they inquire and ascertain whether there is an insurrection in this country or not? Shall we declare war without inquiring whether we are also to have commotions at home? Shall we pledge our constituents to submission, to compliance, without first proving to them that the strong measure of government has been authorized by truth? If you would have the laws respected by the people, I say again, you must begin by showing that they are respected from above. If you do not prove to the people that there is an actual insurrection (for I leave out impending invasion and rebellion, as these are not even pretended), you cannot withhold from them the knowledge that you have acted illegally. And how can you expect rational obedience to the laws when you yourselves counteract them? When you set up the *ratio suasoria* as the *ratio justifica*, the people will clearly discern the futility and falsehood of your logic, and translate at once your terms into their true English of real causes and false pretexts. "*Ut ameris amabilis esto*," is as true in government and legislation as it is in manners and private life, and is as well established by experience. The people will not be cheated. They will look round, and demand where this danger is to be seen. Is it in England?—They see it overflowing in expressions of loyalty, and yet they libel it with imputations of insurrection. In Ireland, you know there is danger, and dare not own it. There you have prorogued the parliament to the 17th instant, but not to meet till the end of January for the dispatch of business, though you know that there a most respectable and formidable convention—I call it formidable, because I know nothing so formidable as reason, truth, and justice—will oblige you by the most cogent reasons to give way to demands, which the magnanimity of the nation ought to have anticipated. There you have thus prorogued the parliament, and deprived yourselves of the means of doing that gracefully which you must do, and which you ought to have done long ago, to subjects as attached to their king, and as abundantly endowed with every manly virtue as any part of the united kingdom. And while the claims of generous and ill-treated millions are thus protracted, and, in addition to the hardship of their condition, they are insulted with the imprudent assertion of the tyrannical ascendancy, there is a miserable mockery held out of alarms in England which have no existence, but which are made the pretext of assembling the parliament in an extraordinary way, in order, in reality, to engage you in a foreign contest, What must be the fatal consequence when a well-judging people shall decide —what I sincerely believe—that the

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whole of this business is a ministerial manœuvre? Will the ministers own the real truth, and say that they wanted a pretext to assemble parliament to make up for their want of vigilance? They must take their choice, and submit to incur the indignation of their country, or feel themselves in a state of contempt. There are men who in this very act give them the praise of vigilance. They did all this, to be sure, with a little harmless fraud, to prevent evils! Let us examine their claim to vigilance.

This vigilant ministry saw, nay (if we may take their character from their associates) hoped, that France was on the brink of falling a sacrifice to the united force of Austria and Prussia, the two powers, of all others, whose union would be the most dreadful to England; but they saw no danger in this conquest to England, though thereby these great military powers were to become maritime. They saw no danger in the union concerted between them, nay, when they had given away Poland in the mean time, because, I suppose, they thought that when Oczakow was gone, the balance of Europe went with it, and they retreated out of the field with disgrace. They gave away Poland with as little compunction as honour, and with the unenviable certainty, that their blustering was laughed at and despised in every court in Europe. I know that some of them have inordinate self-complacency; yet I will not be so uncandid as to conceal my honest opinion, that there is not among them a single man, whose talents for great and commanding policy have either attracted or secured the confidence of any quarter of Europe. Do they boast of their vigilance? The dexterous surrender of Oczakow, as they now know, might have saved the fall and ruin of Poland. Do they boast of their vigilance? And had they no apprehension of the union between Austria and Prussia? Had they such perfect reliance on the moderation of Prussia, on his intimate friendship with, his gratitude to, his confidence in, our faithful cabinet? Do they boast of their vigilance, and yet saw nothing of their present dread for Holland and Brabant, on the 30th of September, when to the joy of every man whose heart is warmed with the love of freedom, the duke of Brunswick retreated before the armies of France? Were they vigilant, not to foresee the consequences of that retreat; or did they flatter themselves with the weak, the false hope, that still the steadiness of men bred up in the trammels of tactics and discipline, would be an overmatch for the impetuosity of men, animated by the glorious flame of liberty? If so, the battle of Jemappe ought, I should think, to have shown these vigilant men their error. That battle happened on the 6th of November. On the same day the government of the Netherlands took to flight, and the news arrived in England on the 10th or 12th. Now, what did these vigilant ministers? On the 17th they prorogued the parliament to the 3d of January, without even saying that it was then to meet for the dispatch of business! And yet on these vigilant men we are to repose, although in the eyes of Europe, and in the hearts of Englishmen, an armament in their hands is a proof and earnest of their future humiliation!

They call for subsidiary aid from the loyalty of the people, and to procure this they have recourse to history, and search out for the lucky frauds of former times: they find one of the most lucky frauds was the popish plot in the reign of Charles the second. The same cry in the present moment they knew was impossible; but a similar one was feasible in the enmity against a republic. The protestant dissenters then, as now, were made the objects of terror, and every art was used to provoke the rage of ignorance and barbarity. The fraud was too successful. Many of my friends, from the best motives, were deluded into the snare, and that most calamitous of all measures, the proclamation, unfortunately for England, met with their countenance. I cannot better describe this calamity than by reading a passage from an eminent historian, Ralph, on the fatal consequences of the delusion of the popish plot. By comparing my friends on the present occasion to the celebrated lord Russell at that time, I think that I cannot pay a better compliment to them, or at the same time a more just and deserved tribute to the memory of that excellent person. Both, in consequence of their high integrity and attachment to the country, have become the dupes of deception. The passage is as follows; "But there were persons, it seems, ready to adopt his (Oates's) intelligence, imperfect, chimerical, or fictitious as it was, and to make use of it as a firebrand to light up such a flame of dissention as had

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like to have laid waste the kingdom; and of these, according to the distinction already made, some were weak and some were wicked. The weak were those who thought popery the greatest mischief that comprehended all others, who mistook prejudice for conviction, credulity for candour, and rigour for righteousness. These, however, meant well, though they acted ill; and while doing the drudgery of a party, persuaded themselves they were saving the nation. The wicked were the master politicians of the times, who considered kings not as they were, good or ill in themselves, but as they were ill or good with respect to their own immediate views; now the plot, whether true or false, was formed of the happiest ingredients imaginable to advance their interest."

Now, Sir, let me address one word to my valued friends. I entreat them to reflect on the consequences of their recent delusion—not dissimilar to the above. The measure of the proclamation is now stated to be over—it has failed: let them avoid all farther snares of the same kind. They will reflect on the necessity of union from the experience of the advantages which have flowed from it. They cannot feel more sensibly than I do the benefits of the cordial co-operation of that body of men who have, through the whole of the present reign, had to struggle with prejudice as well as enmity. Let them recollect the manner in which the present ministers came into power: let them recollect the insidious attempts that have been made to disjoin them; and now that the fatal measure of the proclamation is over, let them avoid, I say, all farther snares of the same kind. Of the declarations, which it is now the fashion to sign, I certainly cannot in general approve. Of all that I have seen, that of the merchants of London appears best calculated to conciliate the approbation of constitutional men; but I see and hear on every side such violent doctrines, and such afflicting measures, as no man who is actuated by the wish of preserving peace in this country can subscribe to. A noble lord (Fielding), for whom I have a high respect, says he will move for a suspension of the Habeas-Corpus act. I hope not. I have a high respect for the noble lord; but no motive of personal respect shall make me inattentive to my duty. Come from whom it may, I will with my most determined powers, oppose so dreadful a measure.

But, it may be asked, what would I propose to do in times of agitation like the present? I will answer openly. If there is a tendency in the dissenters to discontent, because they conceive themselves to be unjustly suspected and cruelly calumniated, what would I do?—I would instantly repeal the test and corporation acts, and take from them, by such a step, all cause of complaint. If there were any persons tinctured with a republican spirit, because they thought that the representative government was more perfect in a republic, I would endeavour to amend the representation of the Commons, and to shew that the House of Commons, though not chosen by all, should have no other interest than to prove itself the representative of all. If there were men dissatisfied in Scotland or Ireland, or elsewhere, on account of disabilities and exemptions, of unjust prejudices, and of cruel restrictions, I would repeal the penal statutes, which are a disgrace to our law books. If there were other complaints of grievances, I would redress them where they were really proved; but above all, I would constantly, cheerfully, patiently listen. I would make it known, that if any man felt, or thought he felt, a grievance, he might come freely to the bar of this House and bring his proofs: and it should be made manifest to all the world, that where they did exist, they would be redressed; where they did not, that it it should be made evident. If I were to issue a proclamation, this should be my proclamation:—"If any man has a grievance, let him bring it to the bar of the Commons' House of Parliament with the firm persuasion of having it honestly investigated." These are the subsidies that I would grant to government. What, instead of this, is done? Suppress the complaint—check the circulation of knowledge—command that no man shall read; or, that as no man under a 100*l.* a year can kill a partridge, so no man under 20*l.* or 30*l.* a year, shall dare to read or to think! I see in Westminster the most extraordinary resolutions of parochial meetings. In that city, with which I am intimately connected, and to which I owe high obligations, there have been resolutions and associations which militate against every idea that I was ever taught to entertain both of law and of the constitution. In the parish of St. Anne, Soho, at the head of which parochial meeting I see a much respected friend of mine, Sir Joseph

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Bankes, they have demanded a register of all the strangers living in the parish. In St. Clement's and elsewhere publicans are threatened with the loss of their licences if they shall suffer any newspapers to be read in their houses that they shall think seditious. Good God! where did justices find this law? I have always thought that there was no one thing of which the law was more justly jealous, than the exercise of the discretionary power given to justices with regard to licences, and that above all things it was not permitted them to suffer political motives to interfere in the giving or withholding them. And publicans, too, are to be made judges of libel! No newspaper or pamphlet is to be read, but such as they shall determine to be free from sedition! No conversation is to be suffered but what they shall judge to be loyal! And yet in this very House, not more than a twelvemonth ago, when I brought in a bill with regard to libels, we all heard it asserted, that the knowledge of what was a libel could not be safely left to the determination of twelve jurymen—it could be judged of only by sages in the law. How can these publicans be conceived capable of judging, or by what rule are they to act? Are they to take their opinions from these associations? They recommend to them that loyal paper called "One Pennyworth of advice," in which, among other things, it is pretty plainly insinuated that it would have been well if Petion, the late mayor of Paris, had been assassinated when in England, and that it would be an excess of virtue to exterminate the dissenters! Are they to be told, that such writings as these are perfectly harmless and praise-worthy, but that discussions on the constitution, debating societies, (although, by the by, I never knew London without debating societies, and I cannot see by what law any magistrate can interrupt their peaceable discussions), and all papers and conversations, where there are free opinions on the nature of government, are libellous? What, Sir, must be the consequence of all this, but that these publicans must decide, that that is libellous which is disapproved of by ministers for the time being, and by these associations, and that all freedom of opinion, and all the fair and impartial freedom of the press is utterly destroyed.

Sir, I love the constitution as it is established. It has grown up with me as a prejudice and a habit, as well as from conviction. I know that it is calculated for the happiness of man, and that its constituent branches of king, lords, and commons, could not be altered or impaired, without entailing on this country the most dreadful miseries. It is the best adapted to England, because, as the noble earl truly said, the people of England think it the best; and the safest course is to consult the judgment and gratify the predilections of a country. Heartily convinced, however, as I am, that, to secure the peace, strength, and happiness of the country, we must maintain the constitution against all innovation; yet I do not think so superstitiously of any human institution, as to imagine, that it is incapable of being perverted: on the contrary, I believe that it requires an increasing vigilance, on the part of the people, to prevent the decay and dilapidations to which every edifice is subject. I think, also, that we may be led asleep to our real danger by these perpetual alarms to loyalty, which, in my opinion, are daily sapping the constitution. Under the pretext of guarding it from the assaults of republicans and levellers, we run the hazard of leaving it open on the other and more feeble side. We are led insensibly to the opposite danger; that of increasing the power of the crown, and of degrading the influence of the Commons' House of Parliament. It is in such moments as the present, that the most dangerous, because unsuspected, attacks may be made on our dearest rights; for let us only look back to the whole course of the present administration, and we shall see, that from their outset to the present day, it has been their invariable object to degrade the House of Commons in the eyes of the people, and to diminish its power and influence in every possible way.

It was not merely in the outset of their career, when they stood up against the declared voice of the House of Commons, that this spirit was manifested, but uniformly and progressively throughout their whole ministry the same disposition has been shown, until at last it came to its full, undisguised demonstration on the question of the Russian war, when the House of Commons was degraded to the lowest state of insignificance and contempt, in being made to retract its own words, and to acknowledge that it was of no consequence or avail what were its sentiments on any one measure. The minister has

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regularly acted upon this sort of principle;—"I do not care what the House of Commons may think, or what may be thought of them. It is not their verdict that is to acquit me in any moment of difficulty or any hour of trial. I will agitate the people without: I will see whether they will bear me up in my measures; and as for the House of Commons, if, in the height of their confidence in me, they shall be made to say one thing today, I will make them, with equal ease, and without regard to their character, say another to morrow." Such is the true English of the principle of the right hon. gentleman's conduct, and this principle he has constantly acted upon, to the vilification of the popular branch of the constitution. And what is this, Sir, but to make it appear that the House of Commons is in reality what Thomas Paine, and writers like him, say it is, namely, that it is not the true representative and organ of the people? In the same way, and by the same language, might Thomas Paine bring a slander upon our courts of law, and upon the trial by jury. In the same tone, he might assert: "Do not tell me what a jury of twelve men may say of my book: do not tell me what these associations say: I reject all tribunals, either constituted by legal authority, or self-erected: give me the people for my judges, and I will prove that my doctrines are agreeable to them." Such language would square completely with that of ministers, and constantly have they resorted to the dangerous innovation of supporting themselves, without regard to the opinion of the House of Commons, by appeals one day to the crown, the next to the lords, and the third to the people, uniformly striving to exhibit parliament in the disgraceful and pitiful light of complete incapacity. Is it not wonderful, Sir, that all the true constitutional watchfulness of England should be dead to the only real danger that the present day exhibits, and that they should be alone roused by the idiotic clamour of republican phrenzy and of popular insurrection, which do not exist?

Sir, I have done my duty, I have, with the certainty of opposing myself to the furor of the day, delivered my opinion at more length than I intended, and perhaps I have intruded too long on the indulgence of the House. [A general cry of "Hear him!" bespoke the perfect attention of the House.] I have endeavoured to persuade you against the indecent haste of committing yourselves to these assertions of an existing insurrection, until you shall make a rigorous inquiry where it is to be found. To avoid involving the people in the calamity of a war, without at least ascertaining the internal state of the kingdom, and to prevent us from falling into the disgrace of being, as heretofore, obliged perhaps in a week to retract every syllable that we are now called upon to say. To carry this into effect, I propose an amendment to the question, by leaving out from the word, "throne" at the end of the first paragraph, to the end of the question, in order to insert these words: "To express to his majesty our most zealous attachment to the excellent constitution of this free country; our sense of the invaluable blessings which we derive from it, and our unshaken determination to maintain and preserve it:—To assure his majesty that, uniting with all his majesty's faithful subjects in these sentiments of loyalty to the throne, and attachment to the constitution, we feel, in common with them, the deepest anxiety and concern, when we see those measures adopted by the executive government which the law authorizes only in cases of insurrection within this realm:

"That his majesty's faithful Commons, assembled in a manner new and alarming to the country, think it their first duty, and will make it their first business, to inform themselves of the causes of this measure, being equally zealous to enforce a due obedience to the laws on the one hand, and a faithful execution of them on the other."

Mr. *Windham* said, that strange as it might seem, he should vote this night with those whose measures he had uniformly and conscientiously reprobated, in opposition to those whose political sentiments on almost every occasion were in unison with his own. It might appear extraordinary that he should be found defending the measures of persons with whom he had been so long in political hostility, and in some degree reprobating the principles of some of his political associates. He had his attachments, he confessed, and those attachments in lesser considerations might have some influence even upon his judgment. But upon a subject of the importance of the present, he was determined to be governed solely by a sense of duty. Indeed, he had often given his opinion in that House, that in

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the year 1784 most unconstitutional measures had been adopted, and unconstitutional principles maintained; and on the same grounds he had often since reprobated the conduct of ministers, who had pretty uniformly adhered to the system upon which they had come into power; nay, he was of opinion, that to the proceedings of 1784 we might ascribe the evils of our present situation. But the question now was, whether they were right in the present instance? And here, he confessed, he could not agree with his right hon. friend in almost any of the sentiments he had expressed that night. They differed either upon principle, or on the application of principle, on all the points of this subject. The foundation however of their difference lay in the state of this country at the present moment. "Was the country at this moment in a state of danger, aye or no?" He was told, he said, that there was no real cause for alarm among the people; that the only alarm that was felt had been created by government. Government must certainly have had strange and wonderful powers indeed to produce the alarm every day expressed in different parts. No, there were serious and well-founded alarms from the conduct, not of the officers of government, but from those who had sworn an enmity to all government. Did not the whole country feel it? Was not every town, village, and hamlet filled with apprehension? Could a man enter into his own house, or could he walk in a field, without observing, that it occupied the whole of the attention of all ranks and descriptions of people. This was what his right hon. friend had been pleased to make a matter of argument, but what was really mere matter of observation: a man should not reason on the probability or improbability of these events, but should observe upon the fact, and attend to the relation of others. If a man confined himself in one room of his own house he would know no more of what was going on in the next, than he would know what was going on in another country; but if he chose to be vigilant he might know a good deal more. So in the present case, if a man would not believe any thing but what he saw, nor see any thing but what he liked, it was not very probable that he would discover much of the alarm in question. But if he was at the pains to observe, the alarm was visible enough. Had he observed it? Yes. He had seen the intention of the enemies of the present constitution expressed in various shapes. He had seen it in the confidence of their agents; in the boldness of those who wished the subversion of the constitution. He appealed to the House, whether they did not know and feel that there was a general alarm all over the country.—The next point to be considered, in the order which his right hon. friend had taken, was how far it might be fit to check the cause of this mischief by law, the question of the policy of doing which he had determined in the negative. It was true that the measures now pursued over the country, were such as had never been employed before; but it must be observed, in answer to this, that there never had been such an occasion before. Speculative opinions had been published from time to time in this country, and they might have been continued to be published, but the manner of publishing, as well as the works published of late, were entirely new. He believed the society for Constitutional Information began the system now pursued; it was soon transplanted into another country, in the fertile soil of which it had thriven so well as to overthrow all order and establish confusion. Having had this glorious effect by transplantation, it was now brought to this country, for the purpose of producing the same effect. The machine was so well constructed, there were such skill, contrivance, and management in the engineers, that unless parliament were on their guard, and the sensible and honest part of the community active in counteracting their designs, the whole form of our government might be easily subverted. He spoke not from distrust merely, or rumour, but he knew, and it was notorious that there had been, and was now, a constant communication between persons in Paris and persons in London, the object of which was the destruction of our present form of government. This sort of counter alliance of the Englishman in Paris, and the Frenchman in London, had been regularly formed and the effect of it was felt already in an alarming degree; for in every town, in every village, nay almost in every house these worthy gentlemen had their agents, who regularly disseminated certain pamphlets; these agents were vigilant and industrious, delivered these pamphlets

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gratis, a proof there must be somewhere a society to defray the expense, for these agents could not afford to be thus generous to the public without assistance; they could not pay for them out of their own pockets. No, the whole was a well-arranged methodized plan, for gradually undermining the principles of the British constitution. This was not all, they proceeded with the solemnity of an oath, which was, that they were to be ready—Here the confusion arising from the loud cries of "Prove, prove!" and "Hear, hear!" interrupted him for a few seconds, when,

Mr. *Burke* called to order. He observed, that a gentleman was asserting a fact which he was satisfied could be proved, and a convenient season would soon arise for that purpose, that was, when there should be an inquiry into this business: but there could be no good reason why any gentleman delivering his sentiments should give up the sources of his information in this stage of the business. There might be good reason why they should not now be exposed.

Mr. *Windham* then proceeded. He had heard long ago of the truth of what he had just been stating from very unquestionable authority; indeed he had been informed of it by an hon. member of that House, but it was not a fact of any great consequence. The system he had alluded to had been carried on all over the country, more or less in the northern part of this kingdom; great pains had been taken with the poorer part of the community, to wean their affections from government; and it was a fact notoriously known, that the whole plan was supported by a purse which he believed was made up in France, this he did not know, but he believed it to be the case. It might be said that the French were not likely to contribute much money, having little or none to spare upon this or any other such occasion, to which the reply was obvious—those who are in a state of desperation have always the most money to squander upon acts of profligacy and dishonour; besides poor and wretched as they were, yet such sums however large to individuals could not be of any great consequence to a nation. The manner in which this business was conducted was very artful. On putting these works of sedition into the hands of the labourer, they always told him they were intended for his instruction. They represented their societies as places for the instruction of the lower class. The proper meaning of fair instruction was by education to teach a man a mode of reasoning. But this instruction was nothing more than a general conveyance of particular opinions. Again, they said that their object was the propagating truth, and the improvement of the condition of man. How well these points had been gained we had recent instances. It was an attempt to reverse the order of society altogether. From the pulpit we had been accustomed to hear laid down, as the foundation of all happiness, obedience to the laws. From the Jacobin Club nothing was inculcated but disobedience to the law; and the doctrine that those who make laws in this country have no competent authority to make laws. These sentiments, if generally received, would very speedily overturn all order and government. The art with which these sentiments were introduced among the lower classes of society was consummate; they pretended that they taught nothing but philosophical truths; but instead of arguing philosophically in their books they made round assertions, and they acted wisely for their purpose by so doing; for the persons to whom they addressed themselves, were incapable of pursuing a subject logically from premises to a conclusion, nor would this mode of reasoning suit their cause. Not even these assertions were made, until they had prepared the mind to receive them; they gained the affections first by flattering the passions, and then they proceeded to instruct, as they termed it. Whether the law, even in the freest country in the world, ought to permit every man to preach what doctrines he thought fit, and gain over as many proselytes as he could, was a question that had often been suggested, and which he should determine in the negative; for these truths as they were termed, would dwindle into nothing, if the sentiment built upon them could be seen, and the consequences of them anticipated; but these poor peasants had not the power of deducing consequences, and therefore they listened to assertion.—Nor could he see the harm there was of preventing all endeavours to explain to a poor illiterate fellow, whose extent of powers was but barely adequate to the task of procuring food for his own subsistence, points which had divided the opinions of the ablest

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writers. He saw no great loss to society from putting an end to public house political clubs, and alehouse debates on politics; in short. he saw no reason why they should not be altogether suppressed. —Next came the question, where will you draw the line: whom will you take up, and whom will you suffer to pass by; or, shall no man give his opinion upon the constitution? He said, he could not distinguish in this case by any previous principle, which must depend, as all acts in the law did, upon the discretion of a competent tribunal, a jury. This point he illustrated by several observations upon the various denominations of homicide and libels. But would he call that treason in duodecimo, which was innocent in quarto? that was what he did mean, because much of the guilt in these cases depended upon the *quo animo;* and he who printed seditious sentiments would take care, if he intended mischief, that they should be within the reach of the lowest order. Many of these persons, it seems, had been calumniated by imputing to them motives which they did not avow, and intentions which they denied; this observation, was specious, but not solid, for it was well known they did intend what they did not profess, and this was demonstrable by their actions: some, indeed, when questioned, confessed a direct intention of subverting our government. If they were asked if they were friends to our government, they answered, yes. But they wanted no King, they wanted no Lords—all they wanted was a perfect representation of the people. Such a constitution would no more be the constitution of England than the constitution of Venice; in short, their view was to destroy all hereditary right, and perhaps afterwards to attempt an equalization of property; for one of their books stated, that a country could not be said to be truly free, where there was so much inequality among its members. Some gentlemen affected to treat these things with contempt, but they ought not in his mind, to be so regarded. It was true, the high ranks of life were not contaminated by these infamous principles; but if they were to cast their eyes downward, they would see there lurking underneath a sort of subterranean heat, that might burst forth with prodigious violence, if not immediately extinguished.—With regard to the combined armies that marched towards the capital of France, he believed their motives were good, and therefore he wished them success; and so he should had their motives been ever so bad; that which they opposed was worse than any consequence that could have resulted from their success. He had been told, indeed, that no country ought to intermeddle with the internal affairs of another; this might be right in a limited sense, but it could not be so to the length insisted upon by some modern politicians; he could conceive many instances in which it ought to be departed from. Two nations might quarrel—one might be clearly in the right, and the other clearly in the wrong; the continuance of their contest might affect the interest of a third nation. Such a nation had a right to interfere. But did France pursue only her own internal regulation? Did she keep good faith in her decree, "That she abandoned for ever all ideas of foreign conquest? She professed, indeed, good will to all mankind, but before a Frenchman could be faithful, his nature must be changed. It was their object to lower this country, and in that they would persist until they should accomplish their wishes, if possible. What was to be said for them in the war against the king of Sardinia? Still worse was their conduct at Geneva; but, above all, who would applaud their decree, "to give liberty to mankind?" Was it not avowing an intention to disturb every power in Europe? They talked, indeed, of giving to every place where their arms were victorious, a choice of the form of government; but did they wait for the sense of the majority? Not they, indeed. When two or three were gathered together, &c. that was enough for them. What were their intentions with respect to this country? Refer to the correspondence of the Jacobin club of Manchester and the Jacobin club of Paris, did any man believe that they would hesitate to bring an army into the heart of this country, if they thought themselves safe in so doing? But they did not so much depend upon themselves as they did upon their bullies in other countries. Thus, from all circumstances, minute in themselves, but of the most serious importance when combined, it would appear that the alarm was not fictitious, but real. Ministers therefore, in point of principle, had acted right in calling out the militia. They might be a little irregular in point of form, but as they had observed the spirit of the constitution, they had his support.

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Mr. *Grey* concurred with Mr. Fox in considering the present as a most momentous period. The situation of danger, in which the country was at present placed, arose not from the combinations of levellers and republicans, who, he believed, were but few in number, and still less formidable, not from any riots which had originated from circumstances purely local; not from any insurrections, the existence of which had been attached to no particular spot; but the danger arose from the measures of ministers, which had shaken the pillars of the public security, which had threatened our commerce with the most fatal consequences from a war, and which had even been attended with a still more serious evil, by introducing a practice hostile to the principles of the constitution itself. The hon. gentleman who spoke last had not made the distinction between alarm and danger. He had mistaken his own apprehensions for the danger of which he was afraid. He was ready to allow that writings of a certain tendency had been circulated in great profusion, in consequence of the very means which had been taken to suppress them; but the seditious effects which these writings were stated to have had upon the minds of the people, he completely denied. He did not believe the minds of the people to be so perverse as to be disaffected to a constitution from which they enjoyed so many blessings. Their natural good sense would prevent them from adopting any doctrines subversive of that constitution. He was not a friend to Paine's doctrines, but he was not to be deterred by a name from acknowledging that he considered the rights of man as the foundation of every government, and those who stood out against those rights as conspirators against the people. The dearest right of Englishmen was to the possession of their constitution, while it was maintained on its true principles; but if it was abused, the effect must infallibly be to inflame men's minds, and ministers alone would be responsible for the consequences which might ensue. If the people complained of grievances, let those grievances be removed, and their discontents would cease. If the people were put in possession of their rights, there would be no longer any fear of internal or foreign danger.—Into the question of a war with France, he should not enter; he should only remark, that a heavy responsibility must fall upon ministers, if they had not taken every possible precaution to avert this calamity. He then entered into a detail of the conduct of ministers, particularly in raising the late alarm. The bringing forward of the business of an insurrection, he said, was to be considered as a device of the master politicians of the time. He wished the whole of the conduct of ministers to be attended to upon this occasion. On the 21st of May they had issued a proclamation against seditious writings, which as it was particularly understood to be directed against Paine's publications, had excited a curiosity with respect to that work, where formerly it was not known. During the summer, nothing more had been heard, no prudent precaution had been taken. The retreat of the duke of Brunswick, which he, along with his right hon. friend, and every friend of freedom, considered as matter of joy and exultation, had indeed thrown them into confusion; still however they left matters to be regulated by chance; nothing was heard, but of Mr. Pitt enjoying the sweets of his new office, and Mr. Dundas being in Scotland reaping the fruits of his well-earned popularity. All at once, on the 1st of December, London was surrounded with troops; the duke of Richmond threw himself into that post of danger the tower; an alarm was excited, of which neither the object nor the cause could be discovered. If ministers could not state the cause of the alarm which they had excited, they had subjected themselves to the severe censure both of that House and the public. He could not allow that the opinions of an individual should be set above the laws; and therefore he thought that nothing but a specific cause could be admitted as a justification of those extraordinary measures which had been pursued by ministers.

Mr. Secretary *Dundas* said, that he never was more astonished than at some things which had dropped from a right hon. gentleman opposite, with respect to universal liberty, and the unlimited right of discussion, points in which he differed from the wisdom and practice of all ages and countries. But had he forgotten, that upon a former occasion, he had acted inconsistently with those maxims which he now delivered, when he had concurred with the attorney-general in prosecuting a poor devil of a printer for a libel upon the House of Commons, relative to the

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trial of Mr. Hastings? If it was proper that the House should then vindicate their character, it was no less reasonable that the other branches of the legislature should, upon this occasion, when they had been so much attacked, take the means to enforce the respect due to themselves. This country was at present the only one where the press enjoyed any degree of freedom. He would ask, what would now be the consequence in France to him who should dare to make a motion in favour of distressed royalty? There, no opinions were allowed to be published which were inconsistent with the views of the leading party. The extent to which the right hon. gentleman had carried his doctrine of discussion was inconsistent with the maxims of every government, and could not be reconciled with the safety of any state. He allowed that part of his reasoning to be fair, which stated, that if there existed discontents the proper mode of getting rid of those discontents was, to remove the grievances which afforded ground of complaint. But what conduct could be adopted, when the complaint was not of any particular grievance, when the redress demanded was not to be accomplished by any partial remedy, but when the constitution itself was held out as a grievance, and nothing less was aimed at than a total subversion of the present system of government? In this case was it not proper for ministers to use every means in their power to prevent seditious notions from being instilled into the minds of the lower classes, and to guard them from discontents which might be attended with such fatal consequences. Those who complained of grievances, were not taught to expect a remedy from the constitution. Doctrines had been inculcated of a very different tendency; it had been represented to them, that the present parliaments, successors of those who sat only three years, had, by their own authority, extended their sittings to a period of seven years; that they were a body wholly corrupted, and incapable of redressing grievances, which they had themselves so great a share in promoting. It was stated, that now was the time for the people to assert their own rights, and to follow that example which had been set them by France. The influence of such sentiments on the lower classes was considerable, and many of them had been taught to adopt the language which he had now described. He believed that the great body of the respectable and opulent part of the community were entirely free from such sentiments, and that they were likewise held in abhorence by the numerous middle class, who formed so important an order of the state. Among these he believed that there prevailed the most perfect attachment to the constitution. But in consequence of the doctrines which he had represented, the lower classes had been impressed with an idea of liberty and equality, not flowing from the privileges of the constitution; they had been taught to aspire at an equal share in the legislative government of the country, upon the principle that one man was as good as another, and that there ought to be no distinction of claims since the rights of all were founded upon the same basis. Nay, their views had not stopped here; they not only proposed to confound distinctions, but to invade the rights of property, and establish an equal division of possessions among all the members of the community. An Agrarian law was very familiarly talked of among the common people. These were facts, which he stated directly, either from his own observation, or information; and would any one afterwards pretend to assert, that there was no ground for alarm? It had been said that the effect of the proclamation had been to circulate more extensively writings of a seditious nature. He would not deny that nothing was more favourable to the success of any work than to render it an object of public curiosity, and that from this cause the very means taken to suppress a publication had often a direct contrary effect. But this had not been the case in the present instance, the people would never have heard of Paine's work in consequence of the proclamation, if the utmost art and industry had not been used by those who first promoted that publication to circulate it among them. It was dispersed throughout the country, and sold at a very low price; it was transmitted to every village; it was contrived that it should find its way even into every cottage. The circulation, then, was not the natural consequence of the proclamation, but of the artificial means taken to promote it; it had by these means been forced upon the perusal of every man who was able to read. The only subject of debate this evening, was the existence of that alarm which had been stated to prevail in the country. That alarm had been represented as not founded in any real

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danger, but as merely a device of ministers to answer their own purposes. And here he could not help adverting to the different and contradictory charges brought against ministers, as suited the present views of those gentlemen who were hostile to their measures. At one time they were completely vilified, and represented, so far from having any weight in the country, as distrusted in their measures, and incapable of giving any impression to the public sentiment. At another time, they were described as having in their hands the whole opinions of the people as capable of giving them any direction they chose, and on this ground it was that they were described as having created the late alarm. But he appealed to the members coming from the country, and who had had opportunities of being acquainted with the state of the public mind, whether such an alarm had not existed previous to the issuing of the proclamation. The fact was that a most serious alarm had been excited among the country gentlemen, farmers, &c. and some active measures were necessary on the part of government, in order to restore confidence to the country, and prevent the dangers which threatened its security. In Scotland he had been far from idle. With respect to his popularity in that country, he must own that he loved popularity, and that the odium created against him among his countrymen, from whatever pretence, had afforded him much uneasiness. During the last six weeks he had spent in Scotland, he had been visited from every quarter, by the great manufacturers, by magistrates, and by gentlemen, from parts of of the country where there were no magistrates, all expressing their alarm at the situation of the country; and requesting the interference of government, to check a spirit which threatened such dangerous consequences. — He desired gentlemen to attend to the tenor of the king's speech, and then, from a view of the whole subject, to pronounce on the legality and propriety of the measures adopted by ministers in the present crisis. He would first call their attention to our situation at home, where there was clearly a systematical design to overturn the constitution. The proceedings of different societies afforded full proof of this. The question of parliamentary reform was no doubt in itself a fair subject of discussion, and might with great propriety be taken up, when the discussion would be attended with no mischief. But under this pretext of a reform, a variety of topics had been urged tending to excite discontents in the minds of the people. The example of France had been held out for imitation, not only with regard to their object, but likewise with regard to the means of attaining that object. An example had thus been held out of breaking down all distinctions, and giving a blow which should at once prove fatal to the monarchy and aristocracy of this country. Those societies, on the model of the affiliated societies abroad, held a correspondence with France, for the purpose of overturning the constitution, and even sent members to Paris to procure instructions. When he talked, however, of these evils, he did not mean to inculcate a sentiment of despondency, or to insinuate that no remedy could be found. On the contrary, he considered the measures adopted by government as affording that very remedy. To this alarm which originated from the seditious spirit of the lower classes, was added, the consideration of the situation of this country with respect to foreign parts. The national convention had shown themselves disposed to countenance every complaint of grievances from the discontented and factious in this country. In proof of this he read an address of several societies, stated to be signed by 500 persons in this country, presented to the Convention on the 7th of November, and by them ordered to be printed, and copies sent to the armies and all the departments. He likewise mentioned an address from a society in Rochester, of which, however, the authenticity had since been called strongly in question; but the applause with which it was received was a sufficient proof of the temper of the Convention. Was this, then, not a time for alarm, when persons wished to subvert the constitution in conjunction with foreign powers? He alluded to the late decree by which the convention declared their intention to support all who should call for their assistance in asserting their freedom, and asked to be informed what French liberty meant? It was evidently not the liberty of the British constitution. Notwithstanding their professions of fraternity, it was evident that what the French had had in view was the aggrandisement of their dominions, and the establishment of their own government.

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This was sufficiently proved by their conduct in adding Savoy as an eighty-fourth department, and by their behaviour with respect to Geneva. What right had they to impose their own constitution in the Netherlands? And why did they now ask Holland to open the Scheldt, but that they might send armed vessels against the emperor? Nobody deprecated the calamity of a war more than he did—a calamity which he prayed that God might avert! Ministers had been accused of remissness in not taking the proper precautions to prevent the danger of impending hostility. He should only remark, that on the 20th of November an intention had first been announced on the part of the French to open the Scheldt. The measures of ministers had been adopted a few days after receiving this information, and parliament was now met on the 13th of December. He then referred to the treaties which established the right of the Dutch to keep the Scheldt shut. This right went so far back as the treaty of Munster; it was more particularly confirmed by a treaty of 1785, in which the French themselves acted as guarantees. And now that Holland was taken out of the hands of the French, and again united to its natural ally, this country, we were bound to protect her by the most solemn engagements of a treaty, the ratification of which had afforded matter of general exultation. But while he prayed that war might be averted, there was an evil which he considered as even more serious than war, and to prevent which a war would certainly be highly justifiable, namely, the farther interposition of France, in concert with the discontented persons in this country, to subvert the constitution. With respect to the question, whether the disturbances which had been stated to exist in the country had authorized ministers in having recourse to the measures which they had taken, he should beg leave to say a few words. When the law upon which ministers had acted added the case of insurrection to those of invasion or rebellion, it certainly meant to authorize the executive power to call out the militia in a case less than either of these latter. If he was asked what strictly constituted an insurrection, he must own that he should find it difficult to give any precise definition. But what he should now state was, that there subsisted a very considerable ferment in the country; that this ferment had broke out in different shapes. What had passed at Yarmouth, Shields, Leith, &c. he could consider as nothing less than insurrection. Upon these occasions it had been necessary to call in the assistance of the military; and when such alarming appearances displayed themselves, it certainly was the duty of government to take those precautions which the law authorized, for the security of the country, and the maintenance of public tranquillity. In Scotland, more particularly, a spirit of turbulence had appeared in several places. Mobs had taken place at Dundee, Perth, and Aberdeen. At Dundee the pretext of the disturbance, in its commencement, was stated to be some discontents with respect to meal; bnt it was not long before the shouts of liberty and equality were heard from every quarter of the mob assembled upon the occasion. Some even called out "No Excise! No King!" and they concluded with planting the tree of liberty. Upon this occasion the magistrates had been obliged to make application for the assistance of the military, a part of whom, at an instant's warning, had crossed the Frith of Forth. Such were the facts which he had to state, and which, in his opinion, fully justified ministers in the measures they had adopted. Whether these facts constituted an insurrection, was a circumstance which gentlemen on the other side seemed inclined to dispute. He should not now enter into the contest of words. He should only remark, that a mob on one occasion and in particular circumstances, might constitute an insurrection, which would not at another period and in different circumstances. In considering what particular acts might amount to insurrection, regard was to be had to the situation of the country and the spirit of the times. After all, ministers had certainly acted much better in calling out the militia than in making any addition to the standing force. The militia were a force always in readiness to act upon any emergency. They were a force which put the protection of the country into the hands of those who were most deeply interested in its welfare. If ministers should be accused with not having adhered to the letter of the law, he should appeal to the merchants and landed gentlemen whether they did not feel thankful for the precautions which had been taken. The measures which had been taken had not

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had, as was stated from the other side, the effect to excite alarm; on the contrary, they had tended to remove it. He wished the right hon. gentleman had not alluded to the state of Ireland. Ireland had a legislature of its own, and that House had no right to interfere in discussions, which had not yet received a decision in the proper quarter. The consequence of such unnecessary interference, could only be to provoke those disturbances which it was desirable to avert. He begged to be excused from entering into the subject of Russia and Poland, otherwise than to observe, that if there had not been such a division in the House on the subject of the Russian war, Poland probably would have escaped her present fate.

Mr. *Fox* said, that he had never laid it down that libels, but only that speculative opinions on government, ought not to be prosecuted. The libel he had prosecuted was not a speculative opinion, but a positive reflection on the character and conduct of the House; and he would say, that if a libel were now published, reflecting on the character and conduct of the king, or the character and conduct of the House of Lords, that libel ought likewise to suffer prosecution. When he spoke of Ireland, he expressed himself without any reference to her parliamentary independence. He certainly could not be suspected of any intention to injure an independance, which he had ever been most ready to assert. What he had said, was meant as a lesson to ourselves, and he thought that the more frankness was maintained on the subject, the better would it be for both countries. On the subject of Poland, he professed himself ready at any time to meet the right hon. gentleman in discussion.

Mr. *Sheridan* said, that the right hon. secretary had stated as a great acquisition the declarations which had been made on every side of attachment to the constitution. Until the proclamation was issued, that attachment had never been called in question. He believed that there never existed a constitution so dear to the generality of the people. So strong was his persuasion of this, that if a convention were nominated by the free vote of every man in the country, for the purpose of framing a government, he firmly believed they would express no other wish than for the constitution which had been transmitted to them by the virtue of their ancestors, and would retain the form, the substance, and principles of that constitution. But he trusted that there existed in this country a firm body of men, who would not suffer the errors and abuses of that constitution to be held as sacred as the constitution itself. The imputation contained in the speech from the throne he considered as highly unjust. It was the crown preferring a bill of indictment against the loyalty of the people. That bill was not a true one. If there were really any persons in this country who wished to overturn the constitution, their numbers were as small as their designs were detestable. Ministers themselves had created the alarm, and it was the duty of that House, before they proceeded farther, to go into an inquiry respecting the circumstances which were alleged as the ground of that alarm. Should they rely upon the information of ministers, or act upon that information, when there was reason to think that they had themselves forged the plot? He hoped it was not understood, that those who rejoiced in the revolution in France likewise approved of all the subsequent excesses. That indeed would be a very unfair mode of reasoning. The formidable band of republicans, who had been mentioned to exist in this country seemed to be men in buckram. The manner in which the addresses from this country had been received by the convention, certainly argued on their part bad dispositions, but was no proof of treacherous designs. But it had been said, would not the description of men who had been represented as entertaining seditious views, wish for a French army to be introduced into this country? Such was his idea of Englishmen, that he would take upon him to assert, that were but one French soldier to land upon our coast upon the idea of effecting any change in our government, every hand and heart in the country would be roused by the indignity, and unite to oppose so insulting an attempt. —As to the question of a war, he should vote that English minister to be impeached, who should enter into a war for the purpose of re-establishing the former despotism in France, who should dare in such a cause to spend one guinea or spill one drop of blood. A war in the present moment ought only to be undertaken on the ground of the most inevitable necessity. He did not consider the opening

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of the Scheldt as a sufficient ground for war, nor did he believe that the Dutch would on this account apply to this country for its hostile interference, unless they had previously received instructions for the purpose.

Mr. *Thomas Grenville* rose, to explain the precise grounds upon which he should wish to vote for an amendment. Last session, struck with the danger to which this country was exposed by a seditious spirit that had made its appearance, he was desirous of calling upon the executive government to take such measures as might be effectual to oppose its progress. Upon this ground he had voted for the proclamation that was brought forward. He had no reason now to regret his vote, except that he had then the misfortune to differ in opinion with those with whom, upon most other occasions, he agreed. All the advantages had resulted from the measure which he desired or expected, and the spirit of sedition had been fully met by that spirit of loyalty which had manifested itself on the part of the people. Such was the state of affairs, when a proclamation made its appearance for summoning parliament within fourteen days, a measure entirely new, and grounded upon the country then being in a state of actual insurrection. Nothing that had been mentioned appeared to him by any means equivalent to an insurrection. He was of opinion that the state of the country was ill described by the proclamation, and he was the more induced to come forward with this opinion, as he was apprehensive that danger might arise from such exaggeration. It was the more necessary to use caution on the present occasion, as this was the first instance in which this law had been employed, and the first use of a law always gave great weight to its subsequent application. He had only one word to say on the conduct of government, with respect to the French. The system of neutrality which they had hitherto adopted, had met with the most perfect approbation of the people, and he trusted that they would not lightly depart from it. The more just and moderate our conduct was towards the French, on the better grounds should we be able to enter upon a war with them, if their conduct should render it absolutely necessary.

Mr. *Burke* said, that this was indeed a day of trial of the constitution. He agreed with an hon. gentleman in regarding the present as a most momentous crisis, but for different reasons from those which that hon. gentleman had assigned. He congratulated the House on the chief magistrate of the city of London having come forward in a manner so honourable to himself, and could not let slip that occasion of paying a just tribute to the services which the city of London had at different times rendered to the constitution, under whose auspices it had risen to its present opulence and grandeur. It had distinguished itself by the part which it had acted both at the Restoration and the Revolution. It was sensible how closely liberty and monarchy were connected in this country—that they were never to be found asunder—that they had flourished together for a thousand years—and that from this union had resulted the glory and prosperity of the nation.—While he did justice to the talents and eloquence of a right hon. gentleman (Mr. Fox), whom nobody could more highly respect and admire than himself, and whom he should rejoice to see occupying an important situation in the administration of the country, for which he was so well qualified, he could not help remarking, that on the present occasion the right hon. gentleman had taken up a great many invidious points, which might have been spared, without any injury to his argument He had asserted, that the statement of the existence of an insurrection was a calumny on the country. But did the proclamation say that the whole country was in a state of insurrection? He would ask the right hon. gentleman—whom he could only compare to Cicero—whether, when Cicero affirmed in the senate, that there existed within the walls of Rome itself a conspiracy for burning and destroying that great city, he was guilty of a libel upon the people of Rome, or only upon Catiline? The charge of insurrection made in the proclamation, was not a charge upon the country, but only upon some people in it. But the alarm which had been excited, had been said to be artificial, and had been ranked among the number of false plots. The Popish plot had been brought forward, as affording an instance of a device for the purpose of creating alarm similar to what had been employed on this occasion. But were there no instances of real plots to be found in this country? What was become of the gunpowder plot, and the different plots which were formed against

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Queen Elizabeth? False plots would never have been believed, if there had not sometimes been true ones. This reasoning, therefore, against the reality of the alarm which had taken place, was by no means conclusive.—He had been not a little surprised at the violent declamation in favour of liberty, which had fallen from the right hon. gentleman —as if, on the present occasion, liberty was placed on the one hand, and despotism on the other. He, for his own part, declared himself to be, not a defender of ministry or of opposition, but of the country. In France he would affirm there existed no true liberty. As a proof that liberty was enjoyed by us, he would ask, was not life, was not property secure? Was this the case in France, where both were every moment exposed to danger, and where, instead of one Bastile, a Bastile was now erected in every parish? He was one of those who lamented the retreat of the duke of Brunswick; and he must own, that he thought even a despotism, where life and property were secure, preferable to that state of liberty, where both were continually liable to be invaded. What he dreaded, should French principles be introduced into this country, was, the destruction of the whole order of civil life; not only that we should lose king, lords, and commons, but our property, our wives, every thing that was dear and sacred. Who would wish the morals of the present legislators of France to be introduced into this country? What parent would wish his son to resemble a Marat, a Danton, a Robespierre? Or would he wish him to copy the example of a Petion? Or should he search the deepest recesses of hell, where could he find a more complete model of depravity than Monsieur Egalité?—He would affirm, that there was a faction in this country, who wished to subject it to France, in order that our government might be reformed upon the French system. He would likewise affirm, that the French cherished designs upon this country; that they encouraged this faction, and were disposed to aid them in their views of overturning our constitution. As a proof of this, he would translate from their own gazette the following account of their proceedings: "The President—You decreed yesterday, that two deputations of Englishmen should be admitted to the bar. I am going to order it to be opened for them."—The first deputation being admitted, the spokesman addressed the convention as follows:—"Citizen legislators! the British and Irish citizens resident at Paris, constantly animated by those principles which have given rise and success to the French revolution, met last Sunday to celebrate the success of your arms, and agreed to present to you their sentiments, and to congratulate you on those events which are so favourable an omen for all people who wish to become free. Receive, then, that pure and fraternal homage of men who bear in their hearts all the principles of that constitution which you are going to give to your country. Hitherto wars have been only undertaken to gratify the ambition and pride of despots. You have taken up arms only to make reason and liberty triumph. We hope the troops of liberty will not lay them down until there shall be no more tyrants or slaves."—The president answered the deputation as republicans. He said, "that royalty in Europe was in the agonies of death; that the declaration of rights now placed by the side of thrones, was a fire which in the end would consume them; and he even hoped that the time was not far distant when France, England, Scotland, and Ireland—all Europe! all mankind! would form but one peaceful family." The second deputation was from the constitutional society of London, and consisted of Joel Barlow and J. Frost, who presented an address, congratulating the French on the revolution they had accomplished, and the success that had attended their arms; expressing a hope at the same time, that other nations would soon follow their example. The deputies added, that they had sent a thousand pair of shoes as a patriotic gift to the soldiers of liberty. The address was signed by lord Sempill, president, and D. Adams, secretary.—Mr. Burke accompanied the reading of this detail with many remarks. These proceedings, he said, had taken place on the same day, in which there had been a discussion in the convention respecting the union of Savoy to France. On that occasion, the president had observed, "that nature pointed out this union; that France and Savoy were already connected by physical and moral ties." This gentle people, in adding the country of their neighbours to their own dominions, only follow the mild laws of nature; whenever they have a mind to make an acquisition of territory, they dis-

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cover their claim to it to be established by physical and moral ties; no doubt they will soon find out the physical and moral connexion subsisting between them and this country, though we unfortunately have been separated from them by a violent convulsion. Of those persons who had signed the address from the society for constitutional information, he knew little or nothing, excepting Mr. John Frost. He was notorious; his character, he believed, was pretty well known to both sides of the House; the gentlemen of the treasury particularly had reason to be acquainted with it. If Englishmen had in this manner applied to Louis 16th, to reform our government, and had been favourably received by him, would not this have been considered as an aggression by this country? It was, indeed, a portent and prodigy that Englishmen should not be able to find liberty at home, but should be obliged to seek it elsewhere. What rendered the factious in this country particularly dangerous was, their connexion with the band of French robbers and assassins. The French had declared war against all kings, and of consequence against this country, if it had a king. The question now was, not whether we should carry an address to the throne, but whether we should have a throne at all?—Mr. Burke concluded with recommending the unanimity so desirable upon this occasion, and with representing the danger which might arise from the progress of French arms, if not speedily resisted. Their power had already become formidable to the whole of Europe, and if we would not have Europe torn from us, it was necessary that we should interpose by the most effectual means to stop their farther career.

Mr. *Anstruther* said, there were two questions before the House; 1. with respect to the existence of an insurrection; 2. the expedience of the measures that had been adopted by administration. Gentlemen affected to undervalue the alarm which had reached from one end of the nation to the other, and which had existed in a very strong degree eight or ten days before ministers had recourse to the measure of issuing the proclamations. He asked, if those writings which had been published and circulated with so much industry, had not a tendency to vilify every part of our constitution? He desired gentlemen to recollect the mischiefs which had happened five years before the bill had passed, authorizing his majesty to call out the militia, and summon parliament in cases of insurrection, from want of similar precautions to those which had been employed on this occasion. He thought the amendment implied a great deal more than it held out, and was intended to convey a censure on the whole conduct of administration. For his own part, he believed the existence and reality of the danger, and that ministers, so far from exciting a premature or groundless alarm, had rather been too late in adopting their measures of precaution. For these reasons, he heartily approved of the address.

Mr. *Hussey* expressed how much on this occasion he wished for unanimity, and how very fortunate a circumstance he should consider it, if all the members could be brought to concur in the expression of the same sentiments.

Mr. *Erskine* said, that as a member of a society for the reform of parliament, he had a right to object to the general description which had been given of such bodies, as having associated under the specious pretext of constitutional reformation, but in reality for the worst purposes. He was as much attached to the constitution as any man, and from his connexion with a great personage could hardly be suspected of plotting against the monarchy. The disturbances now so exaggerated might be traced to their undoubted origin, viz. a determination on the part of ministers, to beat down by every means that very cause of reform upon which he had begun the fame of his political life. —No danger existed, nor had even been talked of any where, until that society, of which he (Mr. Erskine) was a member, had presented their petition to the House to extend the representation of the people, when almost in the very moment the trumpet of alarm was sounded, and the king's proclamation was issued, although, as had been admitted by the hon. secretary himself, that all the higher and more respectable classes of the community, and likewise the middle clases, who together composed nine tenths of this association, were firmly attached to the constitution, and prepared to defend it against every attack. But it seems there were other societies, and many dangerous publications. But if any of these deserved prosecution, why had they not been prosecuted? why was that work against which the mighty alarm, and even the proclamation itself

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appeared to be directed, suffered to pass entirely unnoticed for near a year and a half, notwithstanding its extensive circulation now so suddenly complained of. During the whole of that time no information had been filed against it, and now that there was one, the censure which had only begun ought to have ended. Such reflections as had been thrown out, were not fair against a work under prosecution. The trial was at hand, and the cause ought not to be prejudged. With regard to France, a right hon. gentleman had obtained a new light upon the subject. He had now given a very different representation of it from that which two years ago he had written and published. The nation which he had then placed in such a low contemptible point of view weakened or rather dissolved by her own enchantments, and to which he had predicted nothing but calamity and disgrace, he now described as dangerously extending its pretensions and becoming formidable to all Europe. But taking this last opinion to be just, if France had in reality become so formidable, was that a reason for going to war with her, or was it not therefore a powerful motive for preserving the peace and seeking general safety by the prudence and moderation of general councils amongst the European states. The right hon. secretary had prayed that God might avert the calamities of that very war, which he was doing every thing to provoke, whilst another right hon. gentleman was deprecating attacks upon the crown, which had never been attacked at all, till it had the misfortune to have himself for its defender. The question was whether the constitution was to be preserved by coercion, or in its own spirit and by its own principles, whether you chuse to create disaffection and enmity in the people or conciliate them by the language of confidence and affection. Can there be a doubt in the mind of any man in his senses—if you wish to preserve the government against all attacks from within or from without, never think of holding out to the multitude in the teeth of their own history that they are bound to adhere to it? No; rather say to them frankly and sincerely, there is your constitution handed down to you from your fathers, created by their courage, and preserved and improved from age to age by their wisdom and virtue? It is now yours with all its improvements, and it depends upon your love and attachment for its support—hold this course, and to use the eloquent words of a right hon. gentleman as applied to a vast body of your subjects now lost to you for ever, they will cling and grapple to you, and no force under heaven will tear them from their allegiance. He was convinced that there was no other way in which a free and enlightened people could be governed. Instead of loading them with abuse and calumny, we ought to meet their complaints, to redress their grievances, and by granting them a fair representation, remove the ground of their dissatisfaction. He wished the House might discuss with temper what related to French affairs. If we were on the eve of a war, he certainly could not consider it as good policy to make foreign powers believe that there existed dissentions among ourselves. The people were already taxed to a most enormous extent; and should a war be the consequence, when it appeared that every precaution had not been taken to prevent it, they would incur a most heavy responsibility, for having precipitated the nation into so great a calamity.

Colonel *Hartley* expressed his confidence in the measures adopted by ministers, as tending to render permanent that high state of prosperity to which the country had risen, and secure to her the distinguished rank which she held among the nations.

Mr. *W. Smith* defended the French from the charge of distributing money for seditious purposes in this country, and declared, that the English constitution was the last constitution on earth which they wished to alter. As Mr. Burke had expressed a doubt as to the possibility of our ever receiving an ambassador from France at our court, he asked him to refer to the mode in which Cromwell's ambassador was received at the court of Louis 14th, and accused him of intentional misrepresentation, in speaking as if the French government was in the hands of the promoters of the massacres in Paris. He vindicated the Protestant dissenters from the charge of disaffection, by reading a declaration from that body, expressive of their attachment to the constitution.

The *Attorney General* stated the different modes which seditious persons had adopted in order to work on the minds of the lower orders of people, by pasting up bills, dropping letters down the areas of houses, &c. He said, that so far from

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having been remiss in his duty with regard to seditious publications, he had on his file two hundred informations. The delay which had taken place in prosecuting a particular work, arose from the length of time necessary to be employed in taking the previous steps, before a prosecution could be commenced.

The *Solicitor General* entered into a detail of the law by which parliament had been so suddenly called together. Cases of insurrection, he remarked, were not as had been stated, now for the first time introduced into law as authorizing his majesty to call out the militia and summon parliament; the same power had been given in former laws, though in some late instances the case of insurrection, which was now acted upon, was omitted; the phrase some how or other had then slipt out of the law, and was now only revived.

Mr. *Fox* said, that much of what he had said had either been misrepresented, or misunderstood. The application which had been made to him to withdraw his amendment, however he respected the quarter from which it came, he must resist. After the sentiments which he and other gentlemen had expressed, unanimity was impossible; unanimity on the present occasion he must own was what he should deprecate. He gave notice, that he should attend to-morrow to propose an amendment upon the report.

The question being put, That the words proposed to be left out, stand part of the question, the House divided:

TELLERS.

YEAS.	Mr. Alderman Watson -	290
	Mr. Sargent - - - -	
NOES.	Mr. Lambton - - -	50
	Mr. M. A. Taylor - -	

So it was resolved in the affirmative. Then the main question being put, was agreed to.

List of the Minority.

Right hon C. J. Fox.	George Byng.
Hon. Charles Grey.	William Hussey.
R. B. Sheridan.	John Crewe.
Ld.G.A.H.Cavendish	William Baker.
Lord Edw. Bentinck.	Dudley North.
Lord John Russell.	John Courtenay.
Lord Wm. Russell.	John Shaw Stuart.
Earl of Wycombe.	Sir Hen. Fletcher, bt
Viscount Milton.	Hon. Rich. Bingham.
Hon. T. Erskine.	J. N. Edwards.
Hon. Lionel Damer.	Lee Anthony.
Hon. T. Maitland.	William Adam.
William Plumer.	Thomas Grenville.
Henry Howard.	Roger Wilbraham.
Lord Robert Spencer.	John Wharton.
Philip Francis.	R. Fitzpatrick.
James Martin.	Samuel Whitbread.
William Smith.	Norman Macleod.
Thomas Thompson.	Joseph Jekyll.
B. Tarleton.	Thomas Whitmore.
Hon. St. Andrew St. John.	Sir John Aubrey, bt.
	Sir John Jervis, K. B.
Charles Sturt.	J. R. Burch.
Benjamin Vaughan.	John Harcourt.
Cunliff Shaw.	M. A. Taylor.
R. S. Milnes.	W. H. Lambton.
Edward Bouverie.	

Dec. 14. The Lord Mayor brought up the report of the Address agreed upon last night. The Address being read a second time,

Mr. *Fox* said, that as this was in some measure a continuation of a former debate, he should take the opportunity to reply to several arguments that had been urged against him. Some gentlemen had blamed him for having proposed an amendment to the address when unanimity of sentiment was so much to be desired; but he had acted according to his feelings, and others had sacrificed their feelings to unanimity. Those who had thus censured him had censured ministers for being neutral respecting France; and he censured them for the same neutrality, though from very different motives. So far was he from thinking that ministers deserved praise in that respect, that he thought the House of Commons ought to impeach them. His opinion was, that from the moment they knew a league was formed against France, this country ought to have interfered: France had justice completely on her side, and we, by a prudent negociation with the other powers, might have prevented the horrid scenes which were afterwards exhibited, and saved, too, the necessity of being reduced to our present situation. We should by this have held out to Europe a lesson of moderation, of justice, and of dignity, worthy of a great empire; this was his opinion with respect to the conduct which ought to have been adopted, but it was what ministers had neglected. There was one general advantage, however, resulting from this; it taught the proudest men in this world that there was an energy in the cause of justice, which when once supported, nothing could defeat. Thank God, nature had been true to herself; tyranny had been defeated,

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and those who had fought for freedom were triumphant!

Indeed, all those who spoke in support of ministers in the debate of last night, had insisted, that France had formed views of aggrandizement and general dominion. If so, why thank the king's ministers for their neutrality, when, if they are right now, upon their own principle, they should have formerly interfered to have checked their career? He insisted that it was impossible, without an abandonment of all consistency, to approve of the present address. Whoever conceived him to be of opinion that the aggrandizement of France was matter of indifference to this country, mistook him grossly. France certainly had aggrandized herself. She had disappointed the predictions of that gentleman who, during the last session, in speaking of the opponents of Great Britain on the continent, had exclaimed, "There is no danger from any quarter! looking into the map of Europe, I see a chasm once called France." That chasm, however, the gentleman must now confess was filled. No longer would he be able to speak of the inhabitants of that nation as having once been famous—*Gallos olim bello floruisse.* They had conducted themselves in such a manner as to induce him to be of opinion, that the power of France might be formidable to this country. She was formidable under her monarchy, when in alliance with Spain, and in friendship with Austria. But France, with finances almost ruined —France, at enmity with Austria, and certainly not in amity with Spain, was much more formidable now: she was formidable now from her freedom, the animating effects of which were beyond the calculation of man. All the inhabitants of Europe, who felt any thing in the cause of freedom, sympathized with the French, and wished them success, regarding them as men struggling with tyrants and despots, while they were endeavouring to form for themselves a free government. But, perhaps, he should be told, that France had not a free government. In order to shorten that question for the present, he would say, in the words of a certain author, that "a free government for all practical purposes is that which the people consider as such;" so it was with the French during the whole of the last campaign; they had been successful on account of the nature of their cause. Courage, and all the bolder virtues, naturally attended freedom. Let us not foolishly continue the absurd prejudice, that none but Englishmen deserve to be free. Liberty had no attachment to soil; it was the inheritance of man over every part of the globe, and wherever enjoyed it always produced the same effects.

With these sentiments, he could not but be of opinion, that the conduct of Great Britain ought to be peculiarly prudent, and above all, strictly just: she ought immediately to acknowledge the government of France, and to adopt all honourable means of procuring peace: she ought to weigh all the consequences of a war, to view with a scrutinizing eye the nature and extent of her resources at home, and to ascertain the degree of assistance which she might expect from her allies: she should most certainly consider well the situation of Ireland. Much had it surprised him last night that a gentleman, who from his situation ought to be something of a statesman, had asserted that the state of Ireland ought not to be alluded to. What! was not the condition of Ireland to be considered in a question that implicated a war? Indeed it ought to be, and seriously and solemnly too. It ought to be considered, that in that country there were millions of persons in a state of complete disfranchisement, and very little elevated above slaves. Would any man in his senses suppose that hearty support could be expected from that kingdom in the event of a war? Indeed, indeed, the blood and treasure of this country ought not to be lightly risked. The time was come when ministers would not perhaps think it prudent to go to war on the mere prerogative of the crown; they would think the approbation of parliament and of the people necessary, indispensably necessary; but it remained with the House to consider whether a war ought to be entered into at all; and, if so, whether it ought to be conducted by those who composed the present administration? It ought to be considered also how small would be the effect which they were capable of producing in the courts of Europe. What court, he would ask, would be elevated by their promises, or intimidated by their menaces, after their conduct with regard to Russia? It should be considered likewise, that it was doubtful whether our allies would rely on us, or whether we could rely on them. The retreat of the duke of Brunswick he did not believe depended on us, but was

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such a consequence as the poet had described:—

"Ask why from Britain, Cæsar would retreat?
Cæsar himself might whisper he was beat."

On Prussia, in spite of the near connexion that subsisted, he did not think that this country could entirely depend; for domestic occurrences in that kingdom might render it unable to afford us much assistance. On the emperor no reliance was to be placed at all.

Having thus stated some reasons flowing out of the situation of the allies of Great Britain and of Ireland, he begged to advert to some other circumstances. The cause of a war, at least the apparent one, would be the invasion of Holland by the French. In Holland, it ought to be remembered, that there were persons disaffected to the Stadtholderian government, who possessed no small degree of power. These persons could not certainly be expected to approve of the war. But much reliance had been placed on Amsterdam. The aristocratic principles of that city would, it was said, be in unison with the war, and the opening of the Scheldt would procure from Amsterdam efficacious support to Great Britain. To those who used this argument, he begged leave to suggest the case of Brabant. The clergy of Brabant, who had the ear of the people, were supposed, with reason, to be inimical to the progress of the French arms, which would most probably curtail their immense possessions. This aristocracy of the clergy, however, was of no avail; for as soon as the French approached, the people of Brabant received them with open arms. If such effects had been produced in that country, might not the same be produced in Amsterdam?

Mr. Fox next adverted to the present condition of this country. Insurrections were alleged to exist, and one hon. gent. had last night declared, that wherever he went, he discovered a spirit of disaffection and discontent. To the virtues and talents of his hon. friend (Mr. Windham) he begged to avail himself of the opportunity of paying a small tribute. To the soundest heart he joined the clearest head; and while no man possessed more honourable principles, few, very few, could boast of an understanding so comprehensive, vigorous, and acute. In short, to sum up his hon. friend's character in a few words, he was the representative of that most excellent patriot, the late sir George Savile. With this opinion, however, of his hon. friend, he could not assent to his declaration of the existence of a spirit of disaffection and discontent. As far as he had been able to judge, he had not made any discovery of so alarming a nature. But, if it was true, if there was some foundation for the report of the disaffection of the lower orders of the people, it became a serious point to determine whence, in case of war, recruits were to be expected for the army and navy. Having stated this, he did not mean to use it as an argument against a war, because he disbelieved *in toto* the existence of such disaffection and discontent. He had argued on the impropriety of a war from positive facts, and incontrovertible reasoning.

The next object of his consideration was the state of Scotland. In the debate of last night, the right hon. secretary had in a manly manner acknowledged that he had lost part of his popularity, although from all that he had heard of him, and had an opportunity of observing in private, there was no man possessed of powers better adapted to conciliate esteem than that right hon. gentleman; but the truth was, the people of Scotland had been treated with shameful indignity; that House had scandalously refused to hear them, pretending to know what they wanted better than themselves. Those acquainted with Scotland had affirmed that Mr. Paine's works had greater influence there than in the southern parts of the united kingdoms; that they were read by all descriptions of people, particularly the lower class; and that because the lower class in Scotland were more learned than the same class in England, few or none being so ignorant as not to read, and digest what they read, the promulgation of the new doctrines was consequently more alarming. This appeared to him a very extraordinary mode of reasoning. It insinuated, that the only way to secure the constitution was to keep the people in darkness and ignorance—to replunge them into all the barbarities of the most savage ages. An excellent defence, truly, of our admirable constitution! Whether the lower class of society in Scotland were more learned or not than the same description in England he would not now attempt to argue. But he would maintain that the reason advanced was false. It was not on account of their superior learning that they appeared more disaffected, but on account of the enormity of

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their practical grievances which provoked them to a just remonstrance. Their manly appeal ought, therefore, to be treated with all the respect due to fellow-subjects, whose exertions had often added to our national fame and honour. All these considerations operated as reasons for our taking time to consider upon this important business.

But now the question came, how were the calamities of war to be avoided in this case? He would answer—By negociation. Open a negociation with the republic of France, and try every step that can be taken before you expose your country to the horrors of war. This, he said, was the duty of government. With the minister, perhaps, the season of negociation might be past; but it was not past with the House of Commons, which ought not to be implicated in the crime. If he were asked, when the minister ought to have negociated, he would inform him. He should have negociated to prevent the invasion of the duke of Brunswick. Perhaps he did nothing. This, however, he was certain that he did: he prorogued the parliament; he appeared careless about the conquest of Brabant and Flanders, which were, in a manner, the gates of Holland; and he seemed to have reasoned thus: "The town I will defend, but any body may possess the gates who please." Perhaps, indeed, the ambassador from the republic of France would not be fine enough in his appearance to figure in our drawing room, and, therefore, we must not endure the thought of a negociation. If that was the case, ministers should say so, in order that the good people of England might know the important reason why their blood must be spilt and their treasure squandered. If so, "the age of chivalry" was revived with a vengeance; but he trusted that some more substantial reason would be given for going to war, and that whenever we did go to war, the minister would have to say to the public, We have tried the effect of a negociation and pacific expressions, but to no purpose: then they might expect a general concurrence, but until then they would certainly be inexcusable in proceeding to hostilities.

Alluding to Mr. Burke's speech last night, he declared, that he did not think he had been treated with civility by that right hon. gentleman. It had been said, by that gentleman, that he had advanced facts which he did not believe; now he had thought that his right hon. friend knew him too well to suppose that he ever asserted what he did not believe. In fact, he had last night declared that he would not make assertions with respect to particular cases, from an apprehension that those cases might not be founded in truth. The reasoning his right hon. friend had adopted on account of this delicacy, was perfetly novel. He had also been accused by him of using more of invective than argument. On this head, he was perfectly sure that he had not carried his invective farther than the right hon. gentleman, who could not forget that he had been obliged to descend to hell for similes and figures of speech with which to stigmatize the governors of the French nation. Among some exceptionable characters, he had classed and reprobated M. Roland, a man, as he believed, eminent for many virtues. How far such invective tended to conciliate France it required little deliberation to determine. Could his right hon. friend suppose that such gross insults and injuries would be forgotten or forgiven by persons of spirit and capacity? The peevishness which disgraced their discussions, when they were talking of the concerns of France, would irritate, but could never reconcile.

Mr. Fox then proceeded to enforce the propriety of negociation. So well convinced was he that every hour we delayed this negociation was a loss to us, that he would move to-morrow an address to his majesty to treat with the executive government of France. This he should do with more conviction of its propriety than hope of its success; that consideration should not slacken his efforts: all the world would acknowledge the propriety of it by-and-by, although so many affected to despise it now. He had been the first to throw off the prejudice which was once so general in this country against the infant freedom, and afterwards independence, of America. Gentlemen should recollect that though it was once fashionable to talk of "a vagrant congress," of "one Adams," of "Hancock and his crew," England had, in the end, been obliged to acknowledge the sovereignty and independence of America. The same thing might happen with respect to the French republic, and it would be better that we should send a minister to France immediately on the meeting of parliament, than perhaps after

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that event should have taken place, which he most earnestly deprecated, and should most heartily deplore. He was old enough to remember the names of Washington and Adams, those two great and noble pillars of republicanism, loaded with abuse. He was old enough to remember when their remonstrance on behalf of the American states was treated with contempt. Dr. Franklin was, on that occasion, abused without mercy by a learned gentleman; and yet shortly after all this contempt these two gentlemen contributed to the forming for the people who enjoyed it, the first constitution in the world—for them most certainly the best form of government upon earth, for such he would venture to say, was the government of America. Shortly after this he, as secretary of state, sent over to America to treat with this very Dr. Franklin on behalf of this country; this he must have done with an ill grace if he had joined in the abuse of that gentleman, and therefore he did not wish to be forward in showing his contempt. In short, the republic of France was that which we must acknowledge sooner or later; and where was the difficulty of acknowledging it now? Was not the republic of this country readily acknowledged at the time of Cromwell? Did not courts vie in their civilities to our new form of government after the execution of Charles 1st? — an execution, whatever difference of opinion might be entertained about it, which had infinitely less injustice in it than that which, he feared, was about to be inflicted, on the late unhappy monarch of France; but he hoped a deed so foul would not be committed.—His right hon. friend had said yesterday, What! are we to receive an ambassador reeking with the blood of innocent men, and perhaps even of the king of France? Mr. Fox said, his answer to this was, that should the French proceed to extremities against that unfortunate monarch, he should consider it as an act that would be for ever a disgrace to their nation, and which every man must deplore; but still he could not think that we were therefore never to have any connexion with France. He wished that if their objection to receive one at present, was, that they did not know how to introduce a French minister into the king's drawing-room, that they would fairly avow it, to the end that the people of England might see that their blood and treasure were to be sacrificed to a mere punctilio.

After pathetically lamenting the fate of that unhappy family, he returned to the affairs of France as they were likely to affect this country. We wanted to check the aggrandizement of France; perhaps not to go to war with them was to check their aggrandizement, for their cause upon the continent was popular. They said, " that all governments were their foes." This was too true, and had been of popular service to them; but that which served them most of all was, the detestation all Europe had for the principles of the leaders of the combined armies. They had neither honour nor humanity. When the brave but unfortunate La Fayette, by the pressure of irresistible circumstances, fell into their possession—instead of receiving him as a gentleman, with the dignity that was due to his distress, they seized him with fury, locked him up like a felon, and cruelly continued to keep him in custody, in defiance of the wishes and compassion of us all, and in a manner that must provoke the indignation of every virtuous man in Europe. But this gentleman had always been a friend to liberty, and that was enough to excite their hatred. Mr. Fox concluded with moving, " That the words ' trusting that your majesty will ' employ every means of negociation, ' consistent with the honour and safety ' of this country, to avert the calami- ' ties of war,' be inserted in the said address."

Mr. *Sheridan* seconded the amendment, which, if adopted, would still, he believed, rescue the country from a war. Administration had been uniformly ignorant of the real state of affairs in France. If they had not been so, they might have prevented the present alarm, and have saved the life of the unfortunate king of France. Peace, if peace could be obtained, he wished by all means. If it could not be obtained, he should vote for vigorous war, not a war of shifts and scraps, of timid operation or protracted effort, but a war conducted with such energy, as should evince to the world that the nation was fighting for its dearest and most invaluable privileges.

The Amendment being read,

Mr. *Burke* rose. He said, that considering it as admitted that France must not be allowed to open the Scheldt, and that she must also be either induced by

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negociation, or compelled by arms, to restore the conquests she had made, he thought it a very extraordinary way of effecting either purpose, to represent our internal situation as rotten, and our allies not to be depended on. With regard to our internal situation, he esteemed it far from being rotten, though the constitution was certainly assailed by persons whose activity, if not checked in time, might be likely to endanger it. As to the fidelity of our allies, if it was not now to be relied on, surely the right hon. gentleman who moved the amendment, did not take the best mode of confirming it, by acknowledging the sovereignty, and entering into negociations with the new republic of France, their most inveterate enemy. But supposing the policy of such negociation, were we sure that the French would come to any reasonable terms with us? And yet this was the contingency for which we were to renounce our present friends, the ancient and established governments in Europe. This would indeed be reducing ourselves to a curious dilemma, and leaving ourselves entirely at the mercy of France, from which country, if any ever expected mercy, they were sure to be disappointed. This abominable government had not yet been recognized by any other power. And what was the peculiar time when we were desired to dispatch an ambassador to them? At the very moment perhaps when the merciless savages had their hands red with the blood of a murdered king; thus giving sanction to an act which barbarians would condemn, giving currency to the crime of regicide, and affording a preliminary to the murder of our own excellent sovereign.—At present it was only decreed that France was a republic, but of what kind had not been yet certainly determined, nor could any conjecture be formed on it. If he had any merit at all, it was that of having read industriously and attentively: and of course the origin and composition of republics had not escaped him. It was observed that all dogs went by the same name, though no species of animal contained a greater diversity. Thus it might be said of republics. Those of Holland, Venice, Genoa, &c. differ widely in their governments, yet they were such as ambassadors might be sent to; for they were not regicidal republics, nor republics of confraternity with the seditious and disaffected in every state. France stood alone in the list of republics, and was the only one since the creation that maintained fundamental principles of universal union, seduction, and confraternity. To some it appeared a government of universal conquest, to others of universal anarchy, but to all of universal influence and sway. It bore no resemblance whatever to any of its contemporaries or predecessors—"Jam novo pestis adest;" and the right hon. gentleman, in comparing it to other republics, was in the situation of a law serjeant, who pleading in one of the courts, was told by the judge, "Brother, your case does not apply:" to which the serjeant answered, "I know that, my lord, and I wish to heaven it did."

It had for some time been the fashion in that House to quote him as an author, from a book which he had written upon the revolution in France; and in doing so that evening, the right hon. gentleman had fallen into a practice that had been pursued before him by Mr. Mackintosh, and other writers of less eminence—namely, taking a detached passage without explaining it by what followed or went before it. The practical form of a free government, as quoted, did not express fully his ideas of liberty. Definitions might and often had been given, but it would perhaps be better expressed by a description. What he meant, then, by liberty was, that he should be suffered to enjoy life as long as the Almighty permitted him—that his person should be free while he conformed to the laws of his country—that he should not be disturbed in the exercise of his religion—and that he should be left at the full enjoyment and disposal of his property, whether inherited, or acquired by his industry. If he was protected in the free exercise of all these, as was the case in England, he must think himself in the possession of rational freedom; and this, though not a definition, was at least an inventory of freedom. The Rights of Man, however, were not confined to this, but were founded upon plausible deductions and metaphysical abstractions—true in some parts, and equally false in others. They were like the neck of a drake, blue on one side and black on the other. When the knowledge of these rights was diffused amongst the multitude, he could not but tremble for the consequence: nor indeed could he hear, without emotions of horror, the application made of them to

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property in frequent discussions on the French revolution. It was this kind of application which caused most of the horrors of the French revolution. [Hear, hear!] He perceivd that the House not only approved his sentiments on this subject, but received them with acclamations; yet he could not augur the same success, if he were to preach these doctrines to a beggar. Were he to say to a man, "I have a good house, excellent cattle, fine furniture, pictures, tapestry, laces, plate, and delicious fare, but—you want your dinner;" he was apprehensive that he should find some difficulty in convincing him, that the superfluities recounted ought not to be employed in the relief of his necessities. The times would be truly alarming indeed, when these French notions should prevail in this country, and property suffer the same transfer that it had done in that miserable nation.

On this idea of equality contained in the French system of the Rights of Man might it be accounted for, that in the last and present national assemblies was not to be found a man worth a single shilling; or if there happened to be two or three exceptions, they only proved his rule. In the course of frequent conversations with persons of discernment, he had heard it argued, that a government formed of such fellows could have no energy. He, on the contrary, was of a different opinion, and attributed to that indigent condition of their rulers, the successes lately obtained by the French, and the vigour of their proceedings. He appealed to the House, whether their reluctance to a war did not proceed, in some degree, from the care they had for the preservation of their riches. The legislators of France, on the contrary, as they had nothing to lose, so they had little to fear; and had no objection to go to war with the whole world. When the king of Prussia was marching to Paris, they were little concerned, and were preparing to escape with the treasures of which they had plundered the people. When threatened with an English war, the cry was nearly the same, "Let them come on," said they; "they have riches and commerce, and we have neither: we may gain something, and can lose nothing." Such were the men who had the power of levying what taxes they pleased upon the people, and of converting the produce to what purposes they pleased.—The extravagance of Anacharsis Cloots, in wishing to embrace China, Quebec, Bulam, and in short all the world, in the confraternity of France, was not peculiar to him, but was also entertained by all the members of the assembly. This Cloots, he said, was an old acquaintance and correspondent of his, being very respectably introduced to him, and had no small share in producing the French revolution. He was a Prussian by birth, highly conversant in every branch of literature, and much better qualified to act the part of a philosopher than John Frost as a deputy from the people of Great Britain. In June 1790 this man appeared at the bar of the national assembly, accompanied by men of all nations, Asiatic, African, and European, of which latter the English made no inconsiderable part. There, as orator of the human race, he invoked for them all the protection and confraternity of France; and this happened on the very day when the assembly demolished, by a decree, the nobility of France.

Mr. Burke said, that the French republic was *sui generis*, and bore no analogy to any other that ever existed in the world. It therefore did not follow that we ought to recognise it, merely because different powers in Europe had recognised the republic of England under Oliver Cromwell. England did not at that time attempt to turn all the states of Christendom into republics; it did not wage war with sovereigns; it professed no principle of proselytism; and therefore, whatever neighbouring nations might have to expect from her friendship, they had nothing to fear for the existence of thrones. The same might be said of America. But France wanted to make proselytes to her opinions, and turn every government in the world into a republic. If every government was against her, it was because she had declared herself hostile to every government. He knew of nothing to which this strange republic could be compared, but to the system of Mahomet, who with the koran in one hand, and a sword in the other, held out the former to the acceptance of mankind, and with the latter compelled them to adopt it as their creed. The koran which France held out, was the declaration of the rights of man and universal fraternity; and with the sword she was determined to propagate her doctrines, and conquer those whom she could not convince.—He by no means wished to hurry the nation into a war. He wanted to make the people see

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that France had really declared war against them, and that the two states might be considered as actually engaged in it. France had passed a variety of decrees, every one of which might fairly be considered as a declaration of war against every government. She had resolved to wage an eternal war against kings and kingly government; and had actually received Englishmen at the bar of the convention, whom, in contempt of the king and parliament, she professed to consider as the representatives of the people of England. Was this no provocation? Was this no attack upon the government of Great Britain? He entreated gentlemen, who were disposed to countenance new doctrines in England, to take warning by the fate of the virtuous duke de la Rochefoucault. That nobleman of antient lineage, and princely fortune, who was adorned by every virtue, was seduced by the arts of Condorcet to countenance the revolution. He was vested with a high office of magistracy, under the new constitution; and because he was not disposed to go all the lengths of the wicked men who found means to raise themselves to power, he was obliged to fly for his life: he was pursued, and, in the midst of his own tenants, who had experienced the bounty and munificence of his family, was forced from his carriage, from between his mother and his wife, and in their presence inhumanly butchered. To all the well-meaning advocates for new doctrines, he would hold up the bleeding head of the duke de la Rochefoucault, whom all his virtues could not rescue from the hands of murderers, who feared neither God nor man.

"Perish the heart that never learn'd to glow,
"For others good, or melt at others woe."

Mr. Burke next touched upon Ireland. He said he was attached to that country, because it had given him birth. To England he was bound by the strongest ties of gratitude and love: and should so great a calamity ever happen as a dispute between the two countries, it was with the latter, which was the country of his adoption, that he would take part. But he feared no such event; the wisdom of the parliament of Ireland would point out the necessity of freeing a great majority of that kingdom from grievances under which they were made to labour, not only without any good to the country, but to its general detriment. In the province of Ulster, he said, the people were chiefly descendants of Scotch and English colonists; they were for the most part protestants, it was true, but at the same time they were dissenters. In two counties there they were superior in numbers to the catholics; but in the other provinces, the latter were ten to one. Upon an average of the whole, the catholics were at least four-fifths of the nation. They were now come forward to demand, not an innovation in the constitution, but a restoration of it; the removal of an innovation. They called for a repeal of two acts of parliament one of which passed in the beginning of the late reign, which deprived them of the right of voting for members of parliament, which they had enjoyed up to that period; the other in the preceding reign, which deprived them of the right of serving upon juries. These people proceeded in the best possible way to their emancipation, by petitions, and by degrees; they did not ground their demands on the rights of man; if they did, he would certainly resist them; but simply on the right which they had as citizens, to share in the blessings of the existing constitution of their country; and in that light their claims appeared so well founded, as to be, in his mind, irresistible.

Mr. *Yorke* was astonished at the opposition made to the address, for the purpose of weakening the executive power, at a time when the country was threatened by sedition within, and by insult without. But though the most brilliant eloquence and powerful talents might be found on the other side of the House, he would not look there for patriotism, moderation or candour. The measures taken by administration were justified by prudence, and a regard to the public safety, and if the sword should be drawn, he hoped it might not be too speedily laid aside. He was convinced that we had not arrived to that state in which France might bully us with impunity.

Mr. *Adam* said, that before he entered upon the great and momentous subject of debate then depending, rendered more momentous, if possible, by the manner in which Mr. Burke had treated it, from calling in aid the passions and prejudices of men to the subject of their deliberation, he was under the necessity of saying a few words in reply to something of a nature rather extraordinary, which had fallen from the last speaker. That hon. gentleman had thrown out an imputation

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accompanied with a compliment: the imputation, Mr. Adam said, was as groundless as the compliment was just. He had said that a person only had to go to that side of the House to find the most brilliant eloquence and powerful talents, but he could not discern there either patriotism, candour, or moderation. Mr. Adam said, that he had but to look round him, and he found eloquence never exceeded, and talents never surpassed in the history of the world. That whether the hon. gentleman would come across the House to add to them, he could not tell, but this he could assure that hon. gentleman, that he (Mr. Adam) was determined not to pas across the House to look for any thing that could be found there; but above all he was determined not to look there for candour, moderation and patriotism. That every part of the conduct of those who had for years directed his majesty's councils, told him that those virtues were not to be found there; but they were to be found with those to whom the want of them had been imputed. If the learned gentleman meant by moderation a phlegmatic coldness for the interests of their country—by candour, a base suppression of their opinions—by patriotism, a cowardly disinclination to face unfounded clamour, he was ready to allow that his right hon. friend (Mr. Fox), who had all the qualities of understanding and integrity that could distinguish a man or a patriot, and his other friends round him, had neither candour, moderation, or patriotism. But if those words bore their original meaning, he would try their right to them with that of any public men in this or any country. He had the happiness to enjoy the confidence, affection, and friendship of his right hon. friend, and he could testify his motives to be as pure as his talents were exalted. When he reflected on the vote of the preceding night, he saw in the character of that small minority enough to give him pleasure—the candour, moderation, and patriotism of the Bentincks, the Russells, and the Cavendishes. That he rejoiced to find these names united now, as they had been formerly, in defence of the constitution, calling for information before they voted approbation, and insuring to the country, by imitating the virtue and patriotism of their ancestors, the continuance of those blessings which their ancestors had bestowed.—Before he ventured to give his opinion, he must secure himself from misrepresentation, as it was almost sure to attach upon anyone who gave the opinion he was going to give. It was supposed, that disregard to property, looseness of morality, and every bad and vicious principle, was to be the consequence of this country negociating with France. Mr. Adam said, he considered such an opinion as a libel upon the good sense and virtue of Englishmen. That he believed them to be too much attached to their constitution, and to that system of sound, just morality which had been long the established characteristic of this country, to run the risk of any such corruption. That they heard with horror, and shuddered at the events which crowded the present history of France that the enjoyment of a free constitution gave them rights which were dear to them; that besides it gave them the means of being taught and instructed by men of talents, education, and virtue, in all the different public situations of life. The security of property, he considered to be the safeguard of all morals, and of every duty and obligation in social and civil life. It protected the peasant in his cottage, as much as the prince in his palace; it bound together the different ranks of society, and secured liberty, while liberty, by reciprocally acting upon property secured it. That it was the security which the selfish and ungenerous, as well as the benevolent and charitable, had in their property, which had been the great cause of humanizing mankind. It was that which excited the desire to excellence and pre-eminence; which had built cities, cultivated lands, improved the arts, taught the sciences, and produced all the various blessings of civil life. When that was gone (but in this country it never could be so) bankruptcy, ignorance, rapine, and insincerity would follow. Upon these principles, he desired to have it understood that nothing which he had to say could mean to unhinge that or any other legal or moral obligation. —He said, that there was a new and most dangerous doctrine taught by Mr. Burke, that sentiment and passion, not safety and security, were to operate in national intercourse. Mr. Adam contended that the last only ought to be the consideration; that the first consideration of a government should be the safety of the state; that that safety was secured by the information arising from agents in foreign courts, by negociations to prevent foreign war, the greatest, and, next to civil war,

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of all human calamities. He said, that it was the bounden duty of the governors to use every means to avert that evil, but above all, never to allow taste or passion to interfere with that important principle of national safety; that upon this principle all wise nations had acted at all times; that during the contest of the red and white roses, the king *de facto* in this country had been treated with, as well as those *de jure*; that the Netherlands when they threw off the yoke of Spain—the seven United Provinces—Cromwell—had all been treated with. Why? Because that assemblage of men called a nation, whoever or whatever administered their affairs, became dangerous to neighbouring nations; and therefore the *de facto* governors were acknowledged, negociations entered into, and wars averted, by the wise policy of considering the safety of the state as the supreme law; not the passion or violence, or indignation, or disgust which might actuate. That besides this, if all was done that could be done by negociating, and nothing resulted, the whole nation would be satisfied, and with one heart and one voice would encounter their difficulties; and by that bravery and spirit, the result of rational freedom, we should maintain the fame for which we had always stood conspicuous among the nations of the earth; but that to rush wildly into a war, was what could never meet the approbation of any temperate or considerate set of men.—Mr. Adam put these arguments in several different aspects, and then entered on some observations respecting the amendment of the night before. He said, amidst all the momentous and impending circumstances there were some which had given him consolation; the manly and glorious stand made against the torrent of exaggerated alarm by his right hon. friend (Mr. Fox), the universal expression of attachment to the constitution, proved the total falsehood of actual insurrection, which he asserted not merely upon the assertion, but upon the argument. For those who had stated it highest, had only said it was sufficient to satisfy the literal words of the act of parliament. Here he severely attacked ministers for the alarm they had given. He said, if they meant to assemble parliament, they should have done it by an unusual exertion of prerogative, not by a measure that must alarm. Upon the face of what had been stated, they could not justify what they had done. If the insurrection was at Dundee, should they have called out the militia in Kent? If at Salisbury, was the militia at Westmoreland the proper force? If at Yarmouth, the militia of Northumberland? If at Shields, that of Essex? He then showed that none of those had amounted to such an insurrection as the law meant, and that they had all been over before the proclamation; and said, if the alarm was for an insurrection in the capital, it did not require a proclamation to call out the militia and assemble the parliament, and thereby alarm the whole country, to enable them to assemble the regiments of horse round the capital. It had been said, that Scotland was in a state of fermentation and discontent. In all countries there might be persons wild and extravagant in their ideas of government, but that was not the general disposition of Scotland. They were a people loyal and attached to the constitution. He was sure that every fermented spirit, if any such there were in that country, would be quieted by a judicious attention to those questions which were to come forward respecting the representation of Scotland, in the course of the present session. Mr. Adam now reverted to the particular question of the negociation. Mr. Burke had asked what hopes there were of success? This, he said, he nor any man could tell; but if it did not make us successful in negociation, it would secure our success in war; it would unite every hand and heart in that inevitable calamity, while a conduct which carried half the nation to war with unwillingness would put a padlock on every sword, and unrudder every ship.

Lord *Carysfort* said, that the restless and ambitious disposition of France rendered it incumbent upon us to join heart and hand in vindicating the rights of Englishmen and of mankind. He said that the armies of France acted more like American buccaneers than like a civilized army. He would not enter into a discussion of the supposed grievances of Scotland; but the political situation of Ireland deserved a few observations. Ireland was never backward in furnishing this country with men to fight her battles, whose loyalty was unimpeachable, and whose courage was invincible. He adverted to the claims of the Catholics. He declared himself averse to that bigotry which would preclude three millions of men, whose loyalty was indisputable, from voting for members of parlia-

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ment. They had the same interests as the Protestants, and ought to have the same privileges. He hoped and trusted that a measure so requisite to allay the popular ferment in that country, would not be wholly neglected.

Mr. *Dundas* entered on a defence of himself and his colleagues. He stated, that a coincidence of circumstances which no human foresight could either foresee or prevent, had conspired to render our immediate interference absolutely necessary in supporting the honour and independence of Britain. There was every reason to apprehend, that the French meditated an attack on Holland; and if England were to abandon the treaty with Holland, she would lose at once the respect hitherto offered to her high character, and be no longer considered by any other nation as worthy of confidence. He then enlarged on the comparative prosperity of this country with that of France, and from the general unanimity and the variety of resources which England possessed, he derived the most flattering hopes, that if we should be forced into a war, its termination would be honourable and advantageous to the British name and people.

Mr. *Powys* considered the political intentions declared by Mr. Fox, to be peculiarly baneful to this country; and that his amendment tended to alienate the people from the executive power. Negociation appeared to him to be impracticable. To whom was an ambassador to be sent? Who could be sure that they who had proscribed our king, would accept an ambassador from him. He approved the speech and the address; they breathed nothing but the faithful preservation of our treaties abroad, and the security of our internal peace. If he had his wish, he would draw a line round France, to prevent the spreading of her infection: he would avoid meddling with her; but if she meddled with us, we had not a choice. The address had his hearty assent.

Mr. *Fox* said, what he meant was what he had said—peace, if it could be had, consistently with the safety and honour of the crown and nation.

Mr. *Wilberforce* said, he should vote against the amendment, not as being determined for war, but because he believed the amendment would by no means tend to peace. He frankly declared, that as, at all times, war ought to be deprecated as the greatest of human evils, so there never was a period when it appeared more likely to be injurious to this country than the present. He preferred to the amendment the language of the address, which, concurring with the speech from the throne, plainly declared that the House approved of the neutrality his majesty's ministers had hitherto observed, and of their determination to avoid a war, if it were possible, consistently with justice. This, he fully trusted, would be the conduct of administration. If we should find ourselves compelled by the obligations of solemn treaties to engage in war, as men of conscience and integrity we must submit to the necessity; but nothing less than this necessity could justify the measure, and he begged it to be understood, that it was on this ground only that he felt it his duty to support government in their present measures.

The amendment was negatived. The report of the Address was then agreed to.

Debate on Mr. Fox's Motion for sending a Minister to Paris to treat with the Provisional Government of France.] Saturday, Dec. 15. After the House had returned from presenting their Address to his majesty,

Mr. *Fox* rose to make his promised motion. After having already said so much on this subject, and feeling how little any thing he could add was likely to be attended to in the present disposition of the House, he should only offer a very few words in the way of previous explanation; indeed, from the indisposition he laboured under, it was physically impossible for him to speak above a few minutes. By his motion he did not mean to imply any approbation of the conduct of the existing French government, or of the proceedings that had led to the present state of things in France. His object was simply to declare and record his opinion, that it was the true policy of every nation to treat with the existing government of every other nation with which it had relative interests, without inquiring or regarding how that government was constituted, or by what means those who exercised it came into power. This was not only the policy, but frequently the practice. If we objected to the existing form of government in France, we had as strong objections to the form of government at Algiers; yet at Algiers we had a consul. If we abhorred the crimes committed in France, we equally abhorred the crimes committed in Morocco; yet to the court of Morocco we had sent a

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consul almost immediately after the commission of crimes at which humanity shuddered. By these acts we were neither supposed to approve of the form of government at Algiers, nor of the crimes committed in Morocco. From his motion, therefore, no opinion was to be implied, but the opinion he had stated. It would have been better if what he proposed had been done sooner, and there were circumstances that made it less proper now than at an earlier period. But this was not imputable to him. The earliest period was now the best; and this was the earliest opportunity that the meeting of parliament afforded him. It would have been still better if our minister had not been recalled from Paris, but had continued there as the ministers of some other courts had done. He concluded with moving, "That an humble Address be presented to his majesty, that his majesty will be graciously pleased to give directions that a minister may be sent to Paris to treat with those persons who exercise provisionally the functions of executive government in France, touching such points as may be in discussion between his majesty and his allies and the French nation."

Mr. *Grey* seconded the motion.

Lord *Sheffield* reprobated the idea of sending a minister to France. He said it was the vilest of all nations; the governors were a gang of robbers and cut-throats, with whom no communication, no measures, no treaties should be maintained. He said, he did not know how soon the French might be called over into this country—how soon the best men here might be thrown into a gaol, in order to be dragged from thence, in a popular phrenzy, and inhumanly butchered. He knew not how soon our women of rank, beauty, and virtue, might be obliged to lie in prisons upon straw, and be violated and murdered. He was almost ashamed of the enthusiasm he had hitherto felt in favour of the right hon. mover. With respect to a war he believed every man wished to avert it. But the surest means of avoiding it would be by vigorous preparation for it. The disturbers of the world when they had overrun other nations, envying and dreading our prosperity, would not fail with double force to visit us. He had not objected to the address, because he would not appear to countenance the many mischievous principles and suggestions which had been heard in that House during the two last days from the mover of the amendment.

Mr. *Thomas Stanley* said, he had attended to all that had fallen from the right hon. gentleman who made the motion, for the last three days, with the utmost astonishment. The right hon. gentleman had, in the two former debates, denied what was evident to the whole nation, to every man who would open his eyes. The minds of the people had been poisoned by the arts of the seditious, and they had been kept within bounds only by that wisdom which had advised the late proclamations. But by such speeches as he had heard, every good effect would be destroyed; for nothing could so soon drive the kingdom into open insurrection, as the speeches and propositions of the right hon. gentleman and his friends. Already a cry had been excited against tithes, against taxes, and even against monarchy itself. He dreaded the consequence. He had unfortunately been a spectator of the scenes in Paris on the boasted 10th of August, which had exhibited the most dreadful spectacles of bloodshed and horror. He hoped the right hon. gentleman might be prevailed on to withdraw his motion; for if the distempered part of the people once understood that there were men capable and ready to make and support such propositions, they would go into open insurrection, and shake the peace of the empire. He was sorry the motion had been made, because nobody could entertain a higher respect for the right hon. gentleman's judgment and abilities, or a stronger personal attachment to him, than he did; but considering his duty to his country as the strongest of all attachments he thought it necessary to say thus much.

Mr. *M. A. Taylor* declared, that he subscribed most heartily to every word that had fallen from Mr. Fox for the last three days. He was as zealous as any other man in support of the constitution, but he was not an advocate for the maintenance of abuses. War was at all times a heavy calamity, but was still greater, when it was meant to answer no one good purpose; and it had been admitted, that in a war with France, we had nothing to gain and every thing to lose. Why, then, were gentlemen to be held up to their country as traitors, for endeavouring to avert the calamity? With regard to the time, if we did not negociate now, we might wish to do it when it would not be

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in our power. The sense of the country had prevented the Russian war; but, it was said, the sense of the country would be for a French war. Even, if it were, we should be obliged to treat with them at last. The American war was long carried on with the sense of the country for it; in the end we were obliged to acknowledge their independence. There was as much character, principle, and honour amongst the men with whom he acted, as any set of men could possess; and if sedition or insurrection arose from speeches in that House, it would be from the very alarming speeches from the other side of the House. He considered the motives of his right hon. friend in wishing the proposition before the House to be entered on the journals, to be founded in wisdom; for the time might come, when the services of his right hon. friend might be necessary in the cabinet, and his present conduct would render him the fittest, as he was the ablest man, to treat with the new government of France. His right hon. friend's exertions appeared to him best calculated to save his country; and for that reason he heartily assented to the motion.

Mr. *Loveden* considered the motion to be an indirect attack on ministers, and an improper interference with the exercise of the executive power. When domestic traitors acted in conjunction with foreign foes, it was time for every man, not to weaken, by such propositions as the present, the executive power of the country, but to stand forward in its support.

Mr. *Grey* said, that having seconded the motion of his right hon. friend, with whose sentiments on the subject he concurred in every point, he could not silently hear such motives imputed to himself and his friends, as a noble lord had imputed, nor suffer, unrepelled, the insinuation that they wished to excite insurrection. If the conduct of any set of men was calculated to excite insurrection, it was that of ministers who, by proclamations, calumniating whole descriptions of men as seditious, and announcing insurrections that never existed, filled the minds of the people with false alarms, and taught every man to distrust, if not to hate his neighbour. Accordingly, the only instances like insurrection that had occurred at Birmingham, and he was informed now at Manchester, were mobs, on pretext of loyalty and order, on pretext of supporting church and king, but raised by wretches who knew as little of loyalty as they did of order, and directed solely against persons supposed inimical, not to his majesty, but his ministers. On this subject he should make a motion that very night if possible, for the purpose of putting all his majesty's subjects equally under the protection of the civil government. On the question before the House, it was asked if Great Britain was to sneak and crouch to France? No! neither sneak nor crouch, but negociate like a great and high-spirited nation, and if redress was refused of any injury offered, then denounce war. We are asked again, would we treat now under all the circumstances we know to be existing. I say, yes certainly; for though I admit that the time is not the most favourable, the fault is not with us but with ministers, who let the favourable opportunity pass away, and by their supine neglect lost an occasion of preventing many of the crimes, committed in France, and perhaps of averting that act of injustice and impolicy (the execution of the king) which we now at this moment fear is committing. We are told by a right hon. gentleman, that to treat with men stained with so many crimes as the present rulers of France would be disgraceful, Let, says he, the present guilty men pass away, and in the mean time let us fight a little. What disgrace is to be avoided, or honour to be acquired by fighting first, and then treating afterwards, I do not comprehend. If a war the most dangerous ever undertaken, is to be avoided, we must treat now: and I support the motion as the only means left of averting so great a calamity. We are not to be hurried away by our indignation against the perpetrators of the crimes committed in France. We are to decide on national policy, not personal feeling. I am for maintaining the national faith and the national honour. By whom have they been tarnished? Let ministers answer the question. I will maintain our treaties with our allies, but first I will advise them to concede a point, if necessary, that it may be beneficial to concede. Let it be shown that we are bound to keep the Scheldt shut for the Dutch, that they call upon us to do so, and will make no concession, for the point in itself I do not think of such importance as to justify a war; finally, that we have done all in our power to bring the French to amicable arrangement, and then perhaps I may yield to a war, but still with reluctance. If, unhap-

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pily, we are brought into such a situation as that we can neither renounce our allies, nor defend them, what has brought us to this but the neglect or incapacity of ministers? If we must have a war, it must be a war of vigour and exertion—not such a petty warfare as some gentlemen seem to think, and the minister, in the speech from the throne, would insinuate. If the enthusiasm of any man for my right hon. friend who made the motion be abated, mine, if possible, is increased. The state of the country calls upon him to stand in the gap and defend the constitution. He has said he will do so; and while I have power of body or mind he shall not stand alone. A firm band of admiring friends, not the less respectable nor the less likely to prevail from the present disproportion of their number, will faithfully stand by him, against all the calumnies of those who betray while they affect to defend the constitution.

Mr. *Frederick North* said, that it was very unpleasant for him to rise so soon after his admission into that House, more especially on a subject on which he was totally unprepared to speak; but as the hon. gentleman who spoke last had declared that he had heard much declamation and much eloquence, but not one argument against the motion, he hoped to be able to give him some argument against it, as he could not give him any eloquence, and wished not to give him any declamation. He had many serious objections to the motion. In the first place, he could not help thinking it unconstitutional. A life of sickness and exile had indeed, almost from his infancy, separated him from his country; but from the little theoretical knowledge which he had of its constitution, he had adopted the Bill of Rights as the symbol of his political faith. By that bill the whole federal power of the country remained with the crown; for the exercise of that power ministers were responsible; for the abuse of it they were censurable. Now, by every principle of justice, no responsibility could be incurred where no arbitration was trusted. When, therefore, the House thought proper to advise his majesty in so very delicate an exercise of his prerogative as the present, they virtually discharged his ministers of their responsibility, and took it upon themselves. It seemed to him to be absurd to desire his majesty to recognize a power which did not recognize itself; for the national convention had always declared that not only the executive council was provisional, but that itself acted as a legislature only till the formation of the permanent constitution, which was not yet begun. Besides, what could be the advantage of treating with a power whose weakness was so notorious, that it was universally supposed that it would not be able to protect the person of their late sovereign from the prison in which they had placed him to their own tribunal, to which they had called him as a criminal. But why send an ambassador to the national convention? It had already received ambassadors from England: it had received them, indeed, from self-constituted societies and clubs of malecontents; but it had acknowledged them as the representatives of an oppressed people, whom it had promised to assist in the recovery of their liberty. Whether this was a time to recognize the French government he left to the judgment of the House; but he thought it his duty to declare his unqualified disapprobation of the motion.

Colonel *Tarleton* lamented the scenes which had taken place in France, some of which he had witnessed. He was convinced, however, that this country ought to negociate rather than go to war; for there was no saying how or when a war with France might end. He did not think Great Britain so deeply concerned in continental transactions as to be obliged to go to war, secured as she herself was in her insular situation—"Penitus toto divisos orbe Britannos?"

Mr. *Jenkinson* considered the present motion as a palpable encroachment on the executive power, in which was exclusively vested the prerogative of negociating and making peace or war; therefore, till the legislature, by new arrangments, should divest it of such power, that House could not interfere and give directions upon that subject. It was with some surprise that he heard such lamentable representations of the calamities of was come from the opposite side of the House, when he recollected that in 1787, when there was a prospect of hostilities on the same ground of quarrel between France and this country, the minister was reprobated by them for pusillanimity, because he expressed his regret for the country's being involved in such a situation. Yet surely if there was no cause for despondency in a contest at

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that time, much less cause could there be any now. At that time France, though under a despotism, had a strong, vigorous, and efficient government; whereas her government now was all anarchy and confusion. At that time her revenues, though perhaps deranged, were still considerable, and ours at the same time were not extremely flourishing. At present the revenues of France were almost annihilated. At that time France was in alliance with the great powers of the continent, and we were, in a great measure, unsupported. At present that state of things was entirely reversed. At that time we should have had Spain with a strong naval force against us; but at present, in all probability, we shall have Spain for our ally. In fine, so improved was the whole aspect of affairs in our favour, that if our success at that time was probable, it must be now inevitable.—He had heard it frequently urged, that this was a period particularly unfavourable to a war with France, on account of the number of discontented persons amongst us in correspondence with the seditious of that country, who menaced and endangered our government and constitution. That there was a small party entertaining such designs he had very little doubt; and from their great activity he also considered them as dangerous; but he confessed that this very circumstance, so far from deterring him from war, became a kind of inducement. They might be troublesome in time of peace —they might be tranquil in time of war; for as soon as hostilities were commenced, their correspondence with the French must cease, and all the resource they had would be to emigrate to that country, which would be a good thing for this, or remaining where they are, to conduct themselves like good citizens, as that correspondence which by law was not punishable now would in time of war be treason.—He had on a former occasion remarked, that we might always consider France as our natural enemy and rival, whether its government were despotic or free; with this difference, that, under a despotism, we should be more liable to wars from intrigue; but under a good and free government, very different indeed from the present, though we should be less subject to wars, whenever they did happen, they would be more formidable. In the same way he held it to be true with respect to ambition. The ambition of a monarch was no farther formidable than as it was supported by the power of the people; but when a whole people, and those powerful, were ambitious, as was now the case in France, the alarm became serious, and the consequences might be dreadful. In every point of view in which the subject could be regarded, it concerned the independence and existence of this country to exert itself strenuously in opposing the progress of the French arms. It was natural enough that we should look on without taking any active part, if not with indifference at the progress of the combined armies in the invasion of France, for the emperor and king of Prussia being military, and not naval powers, we could be no sufferers by any acquisitions they might make. Far different were our interests when referred to France—a mighty naval power, our constant rival and inveterate enemy. Not content with the vast range of coast which she already possesses, sufficient for the most extensive commerce, no sooner does she stretch along in the career of conquest, but she proceeds to open the navigation of the Scheldt, in defiance of all subsisting treaties. It was a rule universally admitted, that where a state possessed both banks of a river, that river belonged to it exclusively as far as the territory extended. But if the different banks belonged to different powers, then, indeed, the navigation of the river was in common between them. Of the river Danube, both banks, for a considerable space, belong to the emperor, and both banks for another space, to the Porte, and each power retains the navigation of its own share exclusively. So with Holland, they had possession of both banks of the Scheldt at the mouth, the exclusive navigation of which belonged to them of course, and was secured and preserved to them by a variety of treaties. The late conduct of the French, therefore, was a most daring infraction of stipulations, which they were bound by justice and by the law of nations to respect. They knew that we were engaged to protect Holland in this navigation; they also knew that we interfered some time since, by arms, to fulfil our guarantee, and the insolent provocation now offered could not be mistaken, nor could it be overlooked but with a foul imputation of cowardice.—The incredible success which the French had experienced in the latter part of the campaign rendered them less cautious to conceal their views of universal empire.

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The king of Sardinia did not by any overt act accede to the confederacy formed against France, and should therefore have been respected as a neutral power. They had, however, collected an army on his frontier, as soon as they heard that the question of making war upon them was debated in his council; though it was carried in the negative, they did not hesitate to throw off the mask; and immediately ordered general Montesquieu to invade Savoy. They did, indeed, make a pretence that the king entertained several emigrants, some of them his own relations, but surely if he did, it was done in common with every other country in Europe. Having accomplished the conquest of Savoy, they advanced to the walls of Geneva, the inhabitants of which, terrified at their approach, called in to their assistance a garrison of Swiss from the neighbouring canton of Berne, as they were authorised to do by treaty. Hereupon the French, in violation of the laws of nations, demanded that the Swiss should evacuate the city; and what was still more outrageous, that the magistrates who called them in should be punished. This conduct was such a flagrant interference in the internal government of a neutral and independent state, as must silence the complaints of France that other powers should interfere in her's.—Ministers had been loudly censured for not having interposed sooner by negociation, if they approved that mode: or if they preferred arms, it was asked why they had not recourse to them before France had so far extended its conquests? To this he would reply, that England professed and observed the strictest neutrality through the war, till the French violated the rights of other nations, and came at last to insult and even invade our allies. The boast of Dumourier, that he would spend his winter in Brussels, was very generally known and as generally laughed at. That Great Britain did not act in consequence of what was considered then as a gasconade, was only a proof of her moderation; but it would be carrying that moderation too far, if she did not act at all. They had also incurred reproach for not having been industrious at an early period to conciliate the good will and friendship of France. But where persons and things were every day changing, where all rule belonged to robbers and assassins, in what quarter where they to apply? What government should they acknowledge where there was no government? How could England recognise a constitution which the French themselves were every day violating, and which was now no longer in existence? But thank God! England so long distinguished for her faithful and sacred adherence to her treaties, would not forego her alliances for any new allies whatever, and least of all surely for such allies.—He came now to the question of the time when this embassy was proposed. In the note addressed by the secretary of state to lord Gower, when he was about to leave Paris, his majesty in his friendship and brotherly affection for the most christian king, was pleased to demand of the national convention, that the persons of the royal family should be respected. When the life of Louis 16th, was apprehended to be in danger, and an application was made by the ministers of the emperor and the king of Naples, his majesty was pleased to declare, that if the person of the French king was violated, the persons guilty of so atrocious an offence should find no asylum in any part of his dominions. On this very day, while we are debating about sending an ambassador to the French republic, was the king to receive sentence, and in all probability it is the day of his murder. What is it, then, that gentlemen would propose to their sovereign? to bow his neck to a band of sanguinary ruffians, and address an ambassador to a set of regicides, whose hands are still reeking with the blood of a slaughtered monarch. No, Sir, the British character is too noble to run a race for infamy; nor shall we be the first to compliment a set of monsters, who while we are agitating this subject, are probably bearing through the streets of Paris, horrid spectacle! the bloody victim of their fury. Having exposed the indecency and disgrace of such a submission, he also remarked on the impropriety of giving a sort of oblique confirmation of the justness of their principlss, in the democratic appearance it would have, that the House of Commons should recognize them as friends, though the king disowned them. He concluded with urging again the necessity of arresting the career of the French, who were not content with the ordinary mode of conquest, but wherever they planted their tree of liberty, were also planting principles subversive of order, morality, and religion; and he reminded the House, that it was easy to create opinions, but difficult to eradicate them.

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Mr. *Francis* said, he could assure the House most solemnly, and most truly, that when he came down to the House, he had no thoughts of taking any part in the debate, and that nothing but the instant urgency of the occasion, and the extraordinary language which he had heard this day, could have compelled him to request their attention even for a few minutes. That he was neither prepared nor desirous to enter at large into the question. But, to declare his sentiments and to deliver his opinion shortly and distinctly was now made unavoidable. It was forced upon him, not only by his public duty, but by the strongest considerations of personal interest, by which every honest man is bound to vindicate his honour, his principles, and his character. I must begin with remonstrating and protesting against the style and tone with which this debate has been and is conducted. We are, or we pretend to be, a deliberative assembly. We are debating upon a subject of the most grave, the most serious, the most solemn deliberation; that is, whether this nation shall or shall not be exposed to the hazards, and involved in the calamities of war. But in what manner has this awful question been agitated? Is it by appeals to our understanding? No, Sir, the understanding has never once been appealed to. It is by exciting our passions, it is by agitating our feelings, and by presenting perpetually to our imagination such scenes of horror, as the human mind can hardly endure to contemplate. These are the means, and the only means, which gentlemen have taken to enlighten and to direct our judgment. I confess their end is answered. The effect does certainly correspond with the cause. The House naturally catches the flame, partakes in the furious passions of the persons who address them, and instead of discussing the great question of war and peace with temper, with a cool and careful consideration of arguments, without which there can be no wisdom either in the debate or the decision; instead of this, they in fact deprive themselves of all capacity to debate, of all faculty of judging; they listen with rapture to mere invectives, and echo them back again with shouts, with cries, and with clamours, renouncing and proscribing all liberty of opinion, all freedom of debate. Is this a British House of Commons, or am I suddenly transplanted by some enchantment into that convention, against which the perpetual theme of reproach is, that they deliberate in passion, and resolve by acclamation? Sir, it was not necessary for these hon. gentlemen to revive and paint to you, as they perpetually do, the scenes of horror which have been acted at Paris. They are much mistaken if they think that I do not view those execrable acts with as much detestation as they do. But it is my duty and my endeavour at this moment to turn my thoughts from them, as much as possible, in order to keep my mind in a state of freedom, and in a capacity to judge, and to pronounce upon the greatest of all national interests, which not only demands all the understanding I possess, but the free and unbiassed use of it. On such a question, Sir, I cannot indeed exclude the feelings of the heart; but it is the head that should deliberate, it is the judgment that should decide. Is there a question before us, or is there not? Am I free, am I safe in debating it? If I hesitate, if I balance between war and peace, if I deliberate before I pronounce, is my integrity to be instantly disputed, is my loyalty to be suspected? Sir, I am not fond of making voluntary professions. I know how little they prove, and how little they are to be depended on, But the occasion comes before me unsought for, when it is not a forward and officious profession to declare, that in personal duty and affection to the king I yield to no man, and that, neither in this House, nor in the kingdom, has his majesty a more loyal subject than I am. The day of trial may come. Necessity irresistible may force us into a war. When that necessity comes, I will meet it and encounter it like a man, and as readily perhaps as others, who talk more than I do, at the hazard of my fortune and life. But before that unhappy hour shall come, I have another intermediate duty to perform: to assist in preventing a war if it be possible. A barren duty, I fear, it will be. Whatever some gentlemen may think or affirm, we are not yet in a state of war. If we were, there would be no question before us, but how to support it. We should not have voted the address we have done. We should not have thanked his majesty for the strict neutrality which he has carefully observed, and from which he has not yet departed, much less for the gracious assurance he has given us of his hopes of preserving the blessings of

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peace, by a firm and temperate conduct, and that nothing shall be neglected on his part that can contribute to that important object. If so, the object is not only important, but still within our reach. Is it a crime then—am I instantly criminal—is my loyalty to be suspected, if, to the best of my judgment, I concur in the sentiments declared by his majesty, if I co-operate with his gracious intentions, and to the utmost of my power in securing the same objects, in preserving the blessings of peace? If this be a crime, you must charge it upon the king's ministers, who advise his majesty to hold this language to parliament, to consider the preservation of peace as a blessing, when in fact it is a curse, and to delude the nation with the hopes of preserving that peace which cannot be preserved, because it does not exist; because, in fact, we are in a war, while his majesty tells us just the contrary, and while we thank him for telling us so. But now, Sir, in the name of God, how is peace to be preserved, if you will take no one pacific step to preserve it? I defy you to reconcile the language of these gentlemen with that of his majesty, or with your own address. We are told by an hon. gentleman, who seems to be in the secret; he confesses, he affirms, that in this war there is little to be gained, and a great deal to be lost. I agree with him entirely as far as he goes: but I go much farther. I say and affirm that in this war there is nothing to be gained, and every thing to be lost. The great parties which have engaged in it already, are all of them disgraced, if not ruined by it. Will it amend the matter to add our ruin and disgrace to theirs?—Shall we save that life, the loss of which I shall lament and deplore as much as any man? Shall we reinstate the house of Bourbon? Shall we prevent the invasion,—possibly the conquest of Holland?—by war, impossible—whatever the success of it may be. But we are engaged by treaties.—Agreed.—But do those treaties forbid all preliminary negociation? And if they did, is any nation bound to its own destruction? Are treaties ever executed—are they ever regarded, when they manifestly lead to that issue? But show me at least how, and by what means these treaties are to be executed? Is it sufficient to declare war, whether you have a rational prospect or not? In what quarter is France essentially vulnerable by the power of this kingdom? I know it not: but if I did, the knowledge and certainty of my power should not make me the less cautious in what manner and for what purposes I made use of it. Sir, all I contend for is, that these serious questions may be seriously considered. We are as much bound to debate and deliberate now, as we may be hereafter to act with vigour and decision. They are only different branches of the same general duty, which we owe to the king and country. Precipitation is not the foundation of firmness. Immediate passion is no security for future perseverance. The time may come, when I must yield to necessity, when deliberation must be at an end, and action must begin. I will then take my share in it. Till that time, my proper office is deliberative and pacific, and I will perform it in spite of clamour—in defiance of obloquy. I will do the invidious duty now; I will do the honourable duty then.

Mr. *Erskine* said, that he had been so much accustomed in another place to hear the interests of mankind conducted upon the principles of reason instead of being betrayed by passion, that declamation, however eloquent, made no kind of impression upon him. He thought we had nothing to do with the new constitution of France, nor ought to mix her distracted revolution with the settled condition of our own country, which he might take full credit to himself for wishing to support. The same anxious wish was the obvious object of his enlightened and hon. friend: yet no sooner was the motion made, than a noble lord started up, and in a storm of the most extravagant description, reprobated both the motion and the motive from which he charged it to have proceeded. If the noble lord was really ashamed (as he was pleased to say) of the enthusiasm he had formerly felt for his right hon. friend (Mr. Fox), whose principles he had so often recommended to others and acted upon himself; ought he not to be still more ashamed of the enthusiasm of to day, which had taken so new, so extraordinary, and so unfounded a direction.—If his right hon. friend was an enemy to his country, all the world ought to desert him; but after the many proofs of his warm zeal to support it, so often testified by the noble lord himself, what colour was there for so sudden, so unprovoked, and so violent an attack. On the

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first day of the session we were not only not considered to be at war with France, but a strong disposition was expressed to avert hostilities. What then was the objection now to what his right hon. friend had proposed? When he advised the sending an ambassador, did he advise to put into his mouth any thing degrading to the country, or injurious to its interests? No. He only desired that we should have a person on the spot, clothed with a public character to give facility to a treaty, if a suitable opening should present itself; just, in short, as we should proceed, and always had proceeded, with every other power. But it was said, that it would be nugatory for the House, in the present state of things, to advise the king to send an ambassador without also advising the instructions to be given him. He confessed he thought otherwise, and that the embassy proposed should, like any other, be under his majesty's direction.

But France was, it seems, in a situation too disturbed to justify an embassy. That was however only to say in other words, that, because France was internally disturbed, we were resolved on that account to go to war with her, whatever might be her disposition for peace; for war was the certain consequence of putting under this new and unheard-of proscription. If war indeed was inevitable, we ought to meet it boldly; but if we had a justifiable choice to avoid it, we surely should consider before we resolved to wage it, since how, after it was once begun, was it ever to be ended. Were we resolved never to be at peace again with France until she had formed a government which fell in with our opinions of moderation and justice, or until she had formed one upon the model of our own; until one of these things took place, which were so little likely to happen, were we to be plunged into all the horrors which ever attend the most prosperous hostilities, most especially in the condition of our country, so much exhausted by the ruinous contest with our own colonies; and all this upon the ridiculous punctilio of sending an ambassador which made the evil quite incurable, because, whilst it involved us in a war, it might equally prevent its termination.

But we were afraid, it seems, of the contagion of French principles. Was that a reason against sending an ambassador? Were we afraid that, on his return from an unsuccessful embassy, he might bring over the infection? The plague of the mind was not like that of the body; it could not be imported in a bag of wool. Did we ever before refuse to send ambassadors because countries were wickedly or absurdly governed? Did we refuse to send one to Morocco and declare war against her on account of her despotism or superstition.

Mr. Erskine said, he was as much an enemy as any man to violent and intemperate strictures upon any supposed defects in our government or constitution, yet he could never feel any alarm when they occurred, as they ever must, in a free country. He trusted to the good sense of the people, and to the substantial interest they had in our long-tried and inestimable establishment. He revered and loved it himself, and with as much reason as most men in the country, of which he only reminded the House as every man was now suspected of disaffection, and was obliged to pronounce publicly his political creed. It had been said that there never was nor could be an occasion nor a period more favourable for a war with France; but he maintained that there never was nor could be a moment favourable for war with any country in the world, when peace could be honourably and safely preserved. It was the scourge of the human race, and every statesman ought to bear in constant memory Dr. Johnson's admirable and striking picture of its calamities. He had read it long ago and never should forget it.

In his Falkland's Islands Dr. Johnson says, "It is amazing with what indifference the greater part of mankind see war commenced. They who have only read of it in books, or heard of it at a distance, but have never presented its evils to their minds, consider it as little more than a splendid game; a proclamation, an army, a battle, and a triumph. Some indeed must perish in the most successful field, but they fall upon the bed of honour, resign their lives amidst the joys of conquest, and filled with England's glory, smile in death." Such, said Mr. Erskine, I am confident will be the death of every Briton, who, if we are forced into a war, shall fall in battle for the honour, the safety, the constitution and the freedom of his country; but let us see the other side of the picture. The life of a modern soldier is ill represented by heroic fiction. War has means

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of destruction more formidable than the cannon and the sword. Of the thousands and ten thousands that perished in our late contests with France and Spain, a very small part ever felt the stroke of an enemy; the rest languished in tents, and ships, amidst damps and putrefaction; pale, torpid, spiritless, and helpless; gasping and groaning, unpitied among men, made obdurate by long continuance of hopeless misery; and were at last whelmed into pits, or heaved into the ocean, without notice, without remembrance. Thus, by incommodious encampments and unwholesome stations, where courage is useless, and enterprise impracticable, fleets are silently dispeopled, and armies sluggishly melted away. "Such," added Mr. Erskine, "are the inevitable evils to which we expose the best and bravest of our fellow-subjects by war, and what are the advantages we reap from it, even when the termination is most prosperous; and who are they that reap the profit—They only who are ready on all occasions to raise the voice of acclamation when war is proposed?"—Hear again Dr. Johnson, "Thus is a people gradually exhausted, for the most part, with little effect. The wars of civilized nations make very slow changes in the system of empire. The public perceives scarcely any alteration but an increase of debt; and the few individuals who are benefitted, are not supposed to have the clearest right to their advantages. If he that shared the danger enjoyed the profit, and after bleeding in the battle, grew rich by the victory, he might show his gains without envy. But at the conclusion of a ten-years war, how are we recompensed for the death of multitudes and the expense of millions, but by contemplating the sudden glories of paymasters and agents, contractors and commissaries, whose equipages shine like meteors, and whose palaces rise like exhalations? These are the men who, without virtue, labour, or hazard, are growing rich as their country is impoverished; they rejoice when obstinacy or ambition adds another year to slaughter, and devastation; and laugh from their desks at bravery and science, while they are adding figure to figure, and cypher to cypher, hoping for a new contract from a new armament, and computing the profits of a siege or tempest."

"These," said Mr. Erskine, "are the men (I know they are), who dwell in palaces rather than common habitations, who revel in luxury and riot; who without virtue, industry, or courage, derive a splendid revenue from the ruin of their country; who look upon every new contract as an estate, for which they would sacrifice one half of their species; and when the toils of battle are over, proudly despise the very men by whose labours they became rich. I will not consent to the ruin of my country by war, to oblige such characters. I say, you should deliberate again and again, before you commence it." He would not attack the chancellor of the exchequer, who was not yet returned to that House;* but he had asserted in the King's speech, and the House had agreed to the truth of it, in their address, that the surplus, as it was called, would be sufficient to carry on the war without a fresh imposition of taxes—Did they really mean to say that such a miserable pittance was sufficient to carry on war, and that too at a time when we were hardly able to make the revenue meet the various claims upon it? What sort of a war was it to be that was thus to be supported, and against a people too who were described (but he did not join in that description) as having become savage beyond all example, who had no sense of justice or humanity, and were aiming at universal dominion? But it seemed that his right hon. friend (Mr. Fox), was a dangerous man to his country at the present moment from the opinions he held; and a right hon. gentleman (Mr. Burke), let loose all the virulence of invective against him, because after years of agreement and friendship, he now happened to differ from him. He was sorry to be called upon to observe this; because he never could forget the merits of the right hon. gentleman, whose writings had shed a lustre upon our country and its language, and from which he himself had learned to love the principles he was now maintaining; but he wished it to be recollected, that at the time these very writings were published the author and his opinions were treated with as much asperity in the House as the opinions now held by his right hon. friend. These recollections ought to teach us to bear with one another, and not to be rash in

* Mr. Pitt was not present during the important debates of the 13th, 14th, and 15th of December, having not yet been re-elected since his acceptance of the office of lord warden of the cinque ports, vacant by the death of the earl of Guilford.

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imputing wicked opinions to all who differ with us in politics.

As to his right hon. friend, who had been made the subject of these reflections, he needed no eulogium. All the world knew him to be a man born for great public purpose. With a mighty mind to comprehend, a commanding eloquence to illustrate, and a temper to give popularity and effect to the best interests of his country in the worst of times. He had said that he would stand in the gap to preserve the constitution; and men now in the presence of the House, whose characters were as irreproachable as their talents were eminent, had declared that they would stand by him and with him in its support.

Mr. Erskine said, that it was necessary for the country and for themselves to hold this language of self-defence. It had become almost a custom to treat gentlemen rather as conspirators than as members of the House of Commons, if, when speaking of France, they did not pour out upon her the vials of their wrath; and in the very same manner were they treated, if when speaking of our own government, they did not launch out into the most hyperbolical admiration. They were indeed rather in the condition of criminals who had to answer for offences, than as the people's representatives delivering their opinions.

But to return to the question—the country had been said to be ready in many parts to fall into insurrection.—Another strange reason for war, since adding to the burthens of the people, could only add to popular discontent.—But the great question of all was—if war was to be made, how and when was it likely to be concluded—because if no probable conclusion could be held out by those who voted for it, they voted for a war of which they saw no profitable, nor indeed any termination. — Deeply impressed with these considerations, he gave the motion which was calculated to avert it, his most cordial support.

The *Master of the Rolls*, without imputing improper motives to any man, declared it to be his opinion that a motion of a more dangerous and pernicious tendency had never been made in parliament. The learned gentleman who had been so warmly declaiming against wars, and favouring the House with elaborate quotations, might have spared himself the trouble, as war or peace was not the question, but whether under all the circumstances which existed, we should send an ambassador to Paris? And he was astonished to find that any man could have made or supported such a proposition. Was it not known that seditious persons in this country held correspondence with those in France? Was it not known that the president of the convention, to which if an ambassador was appointed from our court, he must go, had received in a most distinguished and public manner, and treated with their highest honours, persons from this country declaring their hostility to its government, and their determination to overthrow all kingdoms? Had they not made a decree to violate the national rights of our allies? And was this the time to propose sending them an ambassador, instead of leaving it, where by right it ought to be, in the hands and deliberation of the executive power? Who would be the ambassador? Was the nation ready to place any man in such a situation, and expose him to the mortifying question, which in all probability would be put to him "Do you come from the king, or from the people?" If the answer was given—from the king, the president might reply, we have nothing to do with kings, we have proscribed them, get about your business. To the possibility of such an insult he would not consent to expose his country. It would be petitioning for peace, and praying for an exception for our king from the general proscription. The motion to him appeared to tend to elevate the spirits of the seditious within the kingdom, and its enemies without, it had therefore his most hearty negative.

Mr. *Windham* acknowledged, that when any measure proceeded from Mr. Fox, it was not without the greatest anxiety that he refused his assent to it. What the judgment of his right hon. friend was, every one knew; how pure his motives, how eminent his integrity, it would be as impertinent in him to maintain, as it would be in any one to waste the time of the House in discussing positions that were acknowledged by all mankind. However wide, therefore, the difference that subsisted between his right hon. friend and him, he was persuaded that it only that species of difference which exists between two persons, beholding the same object from two distinct points of view. He was persuaded that it was not a difference that extended to princi-

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ple. Having paid this just tribute to Mr. Fox, he hoped that he should not appear to have been bribed to it, by the partial compliments he had received from his right hon. friend; he hoped that it would be seen to be the genuine result of conviction; the unbiassed testimony of experience.—He agreed with Mr. Fox in his statement, that this was merely a measure of expediency that did not implicate the conduct or the government of France. He acceded not only to this position, but to his right hon. friend's assertion, that necessity often dictated to one country a recognition of the power of another. Having made a concession to this extent, he contended, that those who argued against a recognition of the republic of France, were fortified not only by experience, but by higher principles, by the interests of nations, and by the dictates of humanity. Thus "thrice armed," very powerful arguments indeed ought to be used, more powerful than any that had been used, to induce the House to assent to the motion of his right hon. friend; for by recognizing the republic of France, what consequences would Great Britain produce? The complete alienation of those powers with whom she was at present allied; not only the alienation of allies, but by giving the whole weight of her character to France, she would place all the rest of Europe in a situation deplorable indeed; she would arm every subject, of every kingdom, against the powers that governed those kingdoms; she would produce consequences as fatal to the future interests of the world, and as much to be lamented, as the retreat of the combined armies from France: which he looked upon to be the most fatal event that had ever happened.—If he were to be asked, whether he would submit to an evil, or wait for a necessity, he was not quite sure that he would not wait for compulsion, and take that for his justification. That Great Britain should be the first country to be less shocked with massacre and murder—that she should be the first country to evince a want of feeling—filled him with anguish, and with horror. That she should be the first to preclude herself from forming a part of the confederation, was disgraceful indeed! If submission to France must be the consequence, necessity should first justify that submission. Well did the House know, that no inquiry could be made into the origin of governments; the greater the space of time, therefore, that elapsed from that origin, the smaller was the crime incurred. Evils, by mere time, become less; by time the government of France might become less shocking and less wicked.—After all, he confessed he had not heard what advantages were to result from a recognition of the republic of France. All that he had heard was, that the effect of negociation might dispose France to such measures as would prevent the necessity of war; but, good God! what method could be more dishonourable than this! what proposition could confer more shame upon the country! With respect to the temper and feelings of the people, he acknowledged that they ought, on all occasions, to be consulted. This was proper, because the public judgment was the great rule of right and wrong. Every free government would act on this position; but if by the feelings of the people it was meant, that the necessity of a war, or the necessity of peace, should be determined by the first impression of the public, no position would be found to be more false. It was contrary to the scheme of the constitution, which had placed the determination of this necessity, not in the public at large, but in a source the farthest removed from the people—in the crown; for war generally depended on a series of facts that could not be publicly known. War could never be adopted but on remote principles. Were the people, therefore, he would ask, possessed of such capabilities, as were absolutely necessary for the discussion of such questions? Clearly not. This remark he had judged it necessary to make, because a position had been much circulated, that in transactions of this nature, the government of the country was not to be considered. These sentiments, inadequate as they were to the magnitude of the question, determined him to give his vote against the proposition for sending an ambassador to the French republic.

Mr. *Whitbread* said, the people had a right to know the opinion of their representatives, and it was the right of each member of that House to express his opinion candidly and impartially. The abilities and integrity of the hon. gentleman who had last spoken, he sincerely admired, and his private friendship he wished to cultivate; but he would not pay so great a deference to the judgment of the hon. gentleman, as to give up his

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own upon the present subject. He had stated in effect, that which alarmed him very much to hear, namely, that Great Britain was in a confederacy against the French. Many gentlemen argued as if the question was, whether we should have peace or war with France? His right hon. friend by his motion had not claimed the right of going to war with France at all, nor had he insisted upon avoiding it; all he had said was, that we ought to try the event of negociation first, and if afterwards it was found we could not do without a war, he would assist government; and so he hoped they would all, with their fortunes and their lives. But it had been said, that it would be a reproach to this country to negociate with France. We said to the French, "Shall we negociate with you? No! "You are a parcel of ruffians and assassins. Mr. Whitbread observed, that he was not standing up in defence of assassins, but in defence of his country. The hon. gentleman who spoke last, had said, it would degrade us to negociate with the French at present: that the time might come when necessity might compel us. What then did we say to the French by this? "You are a band of assassins; but if you assassins compel us, we must negociate with you." Thus then, when the time should come, the confession that we negociated from necessity would, according to the disposition we were pleased to give to the French, justify any act on theirs. We shall have given to a malicious disposition the highest possible provocation and gratification, and must bear the effect.—Another thing had been stated, which he did not believe to be true, that the French republic was not acknowledged any where. The French republic had been virtually acknowledged by many powers. There were ambassadors from several parts of Europe now at Paris, not indeed sent there since the deposition of the king, but who having been there before, had remained. They might not have instructions from their different courts to acknowledge the French republic, but they were there. Sweden had an ambassador there, and so, he believed, had our good ally the Dutch. The heads of these men were still upon their shoulders, and he saw no danger to the British minister, had he staid there after the dethronement of the French monarch. A learned gentleman had asked, who would go ambassador to France? He believed that no person properly qualified would be so pusillanimous as to refuse it. As to the cause for which we were going to war, it was asked for what purpose, and to whom Mr. Erskine applied his quotation? The answer was obvious: he applied it to all those who talked of war with the French republic in a tone of acclamation. For what were we going to war? For the exclusive navigation of the Scheldt. This seemed to him to be very unnatural, for the course of rivers belong to all the countries through which they flowed; such at least seemed to be the bountiful dispensation of Providence; but perhaps man might know better. What objection had we to a negociation, as allies of the Dutch? They had opened a negociation for themselves; they suffered French vessels to go up the Scheldt, only entering in a protest, in order that the matter might afterwards be discussed. But it was said, that if a negociation on our part was to be agreed on, we should not know with whom we were to negociate: then we did not know with whom we were going to war. But all these objections were sophistical. There was known to exist a provisional executive council in France, with whom any court might treat; and his right hon. friend had pointed out clearly in his motion, that by a negociation with that council we might save this country from a ruinous war. But we were told, that this interfered with the executive government of the nation. Then the question was resolved to this, "Has or has not this House a right to advise the crown?" Could there be two opinions upon that question? It was not only their right, but it was also their duty, to advise the crown in cases of importance to the interest of the country.—He then took notice of the various reports of insurrections in different parts of the kingdom, stated by Mr. Dundas, but which appeared to be unfounded. There was said to be something of the sort at Dundee. A gentleman who came from that quarter had contradicted that to his satisfaction. An insurrection had been said to have taken place at Salisbury. A gentleman who was supposed to know, had said, that no man in his senses could call it an insurrection. At Shields there had been a disturbance, but not of a political nature, and on the part of the populace the complaints were so just, that the very

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magistrates advised they should be attended to. What, then, was meant by the alarming military preparations all over the country? What was intended by the warlike array through which he had passed in his way to London? All he now wanted to know of the minister was, what answer he was to give to his constituents when he returned to them, if they should ask what was the reason of these military preparations? If not, he would say,

——"Why do you make us fools of nature,
So horribly to shake our dispositions
With thoughts beyond the reaches of our souls?"

At Manchester, indeed, there had been a riot, but that was since the meeting of the House, and in consequence of what had been said in it by some of the minister's friends, and the cry was "Church and King!" It was a loyal mob; so was the mob at Birmingham. What had raised it, and what would raise such riots? The conduct of his majesty's ministers. He had been accused of being an enemy to government: he was calumniated. He loved the monarchy, he loved the aristocracy; above all he loved the democracy of this country; but he had no attachment to abuses in any department. This, he believed, was the sentiment of every man with whom he acted; and while his right hon. friend and leader (Mr. Fox), with his transcendant abilities, and others he esteemed, stood in the gap, between obstinacy and prejudice on the one hand, and unprincipled licentiousness on the other, he would stand by them, and fight by them, without fear or dread. While he was the leader, *de republica non desperandum.*

Mr. *Grant* opposed the motion. All the celebrated writers on the law of nations, he said, had laid it down as a clear and indubitable principle of propriety, that rivers belonged to those who inhabited their banks, just as far, and no farther, than those banks extended. If the banks belonged to different people, then the dominion over the river was divided, each people possessing the part that was contiguous to their domain: and such was the policy of this distribution, that if it had not been so laid down by the ablest writers, it would have been a positive stipulation indispensably necessary under the law of nations, for without it no state could be secure. If the course of rivers was, as was contended by the French, as open and common to mankind as the sea itself, a fleet of French and Spaniards might sail up the Thames, and we should have no right to molest them until they actually began hostilities. Agreeably to this law of nations, we find every other civilized state had invariably acted. It had been stated by an hon. gentleman very truly, that the Danube traversed both the territories of Austria and Turkey, yet neither the Porte nor the court of Vienna ever pretended to pass the limits of their territorial bounds. The mouth of the Scheldt, therefore, he contended, being between the banks of Holland, gave them, under the law of nature and nations, a most incontrovertible right to the exclusive possession of that river as far as their banks extended; but, independent of general doctrine, that right has been repeatedly acknowledged and ratified by express treaty with the sovereign power of that country, which alone could have any pretence to interfere. As well might France interpose, therefore, between the Spaniards and English, relative to the regulations of the navigation of the river Mississippi in America. Their interference relative to the Scheldt showed no less arrogance and injustice than a rooted contempt of existing order and moral obligation. Beside, why should we send an ambassador to France, when the subject matter of contention lay between our allies, the Dutch and Brabant? The French had not conquered the Netherlands by their own declaration; they had only restored the sovereignty of the people. Shall France be suffered, therefore, to arrogate to itself the umpirage of all disputes in Europe? The restless, meddling disposition of that country, which was so long the scourge of mankind under the despotism of its crown, seemed now no less disposed to blast the happiness of man under the still more wild and unlimited despotism of the people. — But, after all, why send an ambassador any where? If France by surprise had seized on Portsmouth, or any other of our harbours, or had declared its intention of doing so, would Englishmen condescend to send an ambassador to negociate? They have declared publicly their intention of unjustly invading the rights of our allies; and their rights, while faith and honour remained in England, were the rights of

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Englishmen. What is there to negociate? The French admit the subsisting treaties, but deny their force. Instead of a statesman, you should send a professor of casuistry. Nothing remained for inquiry but an abstract and metaphysical question on the moral competence of contracts. Shall it be allowed that the first principle of morals shall be controverted, and the community of nations turned into a school of metaphysical sceptics? At last, *cui bono?* Suppose you settle the dispute with the present executive council, their successors, armed with the natural, imprescriptible rights of man, will, by the very same reasoning, deny their right to settle it. You can obtain nothing short of total abandonment, but what the metaphysical wand of these perverted logicians will destroy, as by magic. What! bind by treaty the rights of man! It is impossible; they would exclaim—nature forbids it—right is paramount to treaty. Those with whom you negociated thus exceeded their power, and betrayed their constituents, and the contract is therefore void. Having thus surveyed the motion as it related to right and utility, he adverted to the indignity such a proceeding would throw on this country, and concluded with giving it a decided negative.

Sir *William Young* said, that he should by no means have chosen to follow the last speaker, who had displayed such ability as little inclined him to provoke a comparison by rising so immediately after him, but that the times required every man's taking a decided part, and he wished to seize the first occasion of pledging himself to the service of his country and our happy constitution of government, independent of all personal considerations whatever, and begged to assert that independence for himself by declaring, that however he was fully inclined to support the present administration, he did it conditionally, on their adhering to the measures that suited the exigencies of the country and the principles of the constitution. These were his only grounds of attachment to them, for he certainly would never receive place or office under any administration whatever. As to the question of sending an ambassador to Paris, he would not beat over the ground so ably taken up by the last speaker: he would add, however, two observations on the policy of the measure. First, as to the French assembly receiving a British ambassador: was it not rather to be presumed they would not treat but conditionally?—We were to judge of the future by the past. When the duke of Brunswick sent to negociate during his retreat, the haughty answer was that of the Roman to Pyrrhus: "We will not treat whilst you are in our country." Were we prepared for an answer of like import? Were we prepared, as a preliminary step, to disembody the militia, and lay aside our naval preparations? If England could descend to so base and humiliating a procedure, yet another consideration was to be obviated. Could we acknowledge the constitution of the French republic? Had they themselves acknowledged a constitution? They had not. They had a committee at that hour preparing one. Mark the consequences of treaty. England, treating with the present provisionary government, is bound to the succeeding government. The succeeding government will not be bound to England. England signs express conditions—France has thus on the other side a *carte blanche*. England must adhere—France may adhere, or may not.—Having said so much of the treaty merely in the light of a federal treaty with a foreign power, he begged to consider it for a moment in a domestic point of view; and in this light it struck him as rather a commercial treaty—a treaty for the more easy and ready import of plots and treasons. He by no means imputed bad motives to those who supported the motion. Different persons saw different objects in various points of view and under divers colours, and the arguments that were convincing to one mind, did not appear so to another; for his own mind it was so framed, that it could admit no argument in favour of the motion that did not have a savouring of national cowardice or treachery—a mean and timid petition to France, or resort to French connexion for support of British treasons.

Mr. *Burke* bestowed the warmest panegyric on Mr. Jenkinson, Mr. Frederick North, and other young gentlemen who, he said, had gloriously stood forward to resist the growing evils. They inherited all the talents and virtues of their illustrious fathers, whose eloquence had often attracted the admiration of the House. In them he was happy to see that the new doctrines, which menaced destruction to all lovers of peace and order, would find

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powerful opponents. While they remained in the field of action, armed at all points for the combat, while the patriotism of their fathers animated them in defence of the constitution, while they were emboldened and invigorated by the growing danger, the people need not tremble for the pernicious consequences of the new system of France, accompanied by the threatened argument of the sword. In the formidable phalanx which now appeared the country might repose the greatest confidence. They would dash forward and repel the impending storm. So might it always be! Might there be an eternal succession of talents and principles adverse to these new French doctrines!

Tumvos, O Tyrii, stirpem et genus omne futurum
Exercete odiis; cinerique hæc mittite nostro
Munera: nullusamor populis nec fœdera sunto.
Litora litoribus contraria, fluctibus undas
Imprecor, arma armis: pugnent ipsique nepotes.

If called upon in defence of our liberties, the friends of the constitution would enter the lists in battle array: they would oppose the enemy man to man, foot to foot, and shield to shield. He then proceeded to remark on Mr. Erskine's speech, who, he said, always instructed that House, as the ancient philosophers did their pupils, by proposing himself as their example. Concerning the law, the constitution, or the government of France, the learned gentleman, indeed, had said nothing: he was right, for France had no law, no government, no constitution, and therefore he was very properly silent; but although the French had none, the learned gentleman had a great deal of law, a great deal of government of himself, and an excellent constitution. In his speech there was a great deal of his own, and a great deal from Dr. Johnson, which was a good common place against war. In calling in the aid of Dr. Johnson to enforce his arguments against a foreign war, the learned gentleman produced a very formidable champion indeed. He was a great and a good man: his virtues were equal to his transcendent talents, and his friendship he valued as the greatest consolation and happiness of his life. It might, however, escape the learned gentleman's memory, that this eminent author, who wrote with such energy against a foreign war, had afterwards, on the memorable rupture between this country and America, summoned all his vigour and eloquence in vindication of a civil war.

Mr. Burke said, that he wished sincerely that hostilities might be avoided; but if our just resentment were fulminated against the assassins who offered us the comforts of fire and sword, a civil war might be prevented in England. The French agents were remarkably active in exciting commotions. The arm of power ought to crush them—a criminal suspension might entail upon our fellow subjects most dreadful disasters. In the mad wicked, and abominable career of the French, he had fondly hoped that ere now the hand of power would have arrested them; that they would have been brought to condign punishment for their manifold and unparalleled iniquities, and precipitated with a tenfold fury to that place so happily congenial with their horrid dispositions. But it had not as yet pleased Providence to check their progress. They had inundated Savoy and Brabant with their murderous myrmidons; had perhaps before this time commenced hostilities against our allies the Dutch, proudly anticipated a conquest of the whole continent, and menaced Great Britain with their doctrine and their arms. These were serious facts, and demanded immediately the most active exertions. In this dreadful dilemma were we to abandon government? No; let us strengthen their hands; let us teach a gang of homicides and regicides what they have to expect from a dignified people, emulous of each other in the cause of true liberty.

Mr. Burke lamented, that whenever the subject of France came under discussion, he was annoyed and singled out for acrimony and invective. He defended government from principle, not interest. "Strange as it may appear to some gentlemen with whom I formerly acted, I affirm," (said he) "in the face of the House and of the country, that I retain, and ever will retain, my independence. I have made no provision for myself or family. We are not in the possession of any office; neither cajoled by the reversion of place, nor by the promise of pension; and yet, because I have warmly expressed my abhorrence of the French doctrines, I am pursued and reviled with all the force of rancour and hostility." But sometimes the best effects had arisen from the worst causes; the evil designs now manifested by a certain description of men assumed features too bold to be

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mistaken, or passed over in silent contempt. There were assailants of eminence with whom it was no disgrace to grapple. Whenever invited to the combat, he would collect all his fortitude, and obey the summons. His hardihood might, perhaps, be eclipsed in the conflict; but he would convince the world that he possessed resolution. By whom were we annoyed? By Frost, whom we all knew; by Sempill, whom he had not the honour of knowing; perhaps the opposite gentlemen were well acquainted with him; by Joel—Joel (the prophet) of whom he had heard. These were the respectable gentlemen—the gods—the *dii minorum gentium*—who threatened to lay our capital and constitution in the same ruin.

Why have the French, who cherish and protect the traitors, offered to aid and abet the downfal of our government? Because the unfledged republicans have determined to wage war against every monarchy. Having a king who commands the affections of his people, the criminality on our part is unpardonable in their eyes. Kings are anointed with oil—the new sovereignty of the people with blood! The recent massacres, at which all Europe revolted, heightened this striking likeness; and none but the murderers themselves could help deploring the shocking barbarities, which exceeded all ancient and modern flagitiousness. Those who were advocates for sending an ambassador to Paris ought seriously to reflect in what an awkward predicament they placed such a gentleman. They appointed an ambassador to a people who had no government, no administration, and who had denounced the most implacable hatred against all kings! But, say they, ambassadors have been sent thither from other potentates. Be it so. Let them receive ambassadors from all quarters of the globe; from Capadocia, from Pergamus, from America, from Abyssinia. Let all these congratulate each other on their agreeable and enviable residence. But let no ambassador go thither from Great Britain. If we condescend to acknowledge them by sending an ambassador, might they not insult him by saying, Who sent you? The king or the people of England? The king, most certainly, answers the ambassador. The king! Return from whence you came: we never sent for you: we have passed an irrevocable declaration against all tyranny. And thus, if the motion were agreed to, we should jostle in the dark, and expose ourselves to the insolence of the basest of mankind—monsters who outraged every law, human and divine.

The right hon gentleman (Mr. Fox) had justified the incursion of Dumourier into Brabant, on the principle of retaliation for the invasion of the combined armies. Admirable reasoning! Thus we were not only to guarantee their new liberty by an ambassador, but allow them the peaceable possession of the Austrian Netherlands, and acknowledge their right to open the Scheldt. All these acquisitions—Holland, the whole continent, and much more—were we to grant them, by way of costs and damages! Thus the laws of nature superseded the laws of nations; and Great Britain, in her turn, would be left to the mercy of the honest and innocent republicans of France! If a treaty opposed their ambition, they immediately affirmed, that it was contrary to the laws of nature; and reduced every moral obligation to the same levelling principle. Mr. Burke made the following ludicrous objection to the proposed negociation:—If, when the British ambassador appears at the bar of the convention, his commission, among other things, happened to state, "George 3rd, by the grace of God," would not that pious assembly be instantly convulsed with laughter? The president, Robespierre, and Marat, sworn enemies to kings, would scarcely be able to keep their indignation within bounds. On the one side, citizen Frost would inflame their resentment; and on the other, citizen Paine would proceed to denounce us. But, say some of the supporters of the motion, what right have we to enter upon a crusade in the cause of kings? We are safe in this country, and our king reigns in the hearts of his people. The French malady complained of can never disturb our tranquillity—"Et penitus toto divisos orbe Britannos." Our insular situation, they affirm, is proof against every innovation. They talk as if England were not in Europe. The French savages having so horribly stained Europe, he, for one, should have no objection if they could prove the truth of their assertion; and persuade us to the belief that England was in another quarter of the globe. At the conference with the British ambassador, the members of the convention might ask—Are you the representative of a routed faction who have murdered your king? No! Then we can have no trans-

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action with you. Fill up the measure of our laudable principles, and then we will treat with you. Shocking to think! Perhaps even now the barbarians were embruing their hands in the blood of the unhappy prisoners! Let us look around, and observe their judges. Among others who reflected honour on human nature, were citizen Frost and citizen Paine—men of the most unblemished characters! Being a general lover of new constitutions, and enthusiastically fond of projectors, he was not surprised, that Mr. Erskine had undertaken to plead Paine's cause.—

[*The Debate interrupted by the Misconduct of a Member.*]—Mr. Burke being interrupted in a very disorderly manner, in this and in several other parts of his speech, by Mr. Whitmore, member for Bridgenorth, the member who yesterday disturbed the proceedings of the House,

Sir *James Gordon* called to order, and insisted on the standing order being enforced against a disorderly member.

The *Speaker* immediately rose, and in a manly, firm, but gentleman like manner, stated to the House how much he was concerned to find himself under the necessity of putting into execution the standing order of the House, which he had yesterday directed to be read; but that he was now compelled to name the member that had given this interruption. He accordingly called upon Mr. Whitmore by his name; upon which Mr. Whitmore was directed to withdraw.

And he withdrew accordingly. Then a motion being made, and the question being proposed, "That Mr. Whitmore be called in, and be for his said offence reprimanded by Mr. Speaker in his place,"

Mr. *Burke* apologized for him, and imputed his disorder to a warmth of constitution he could not conquer: he was confident it arose not from any malevolent motive, or from any intention to break the privilege of the House, and solicited earnestly for the slightest proceeding the House could adopt.

After some debate, Mr. Adam acquainted the House that, having had an opportunity of speaking with the member who was withdrawn, the said member had expressed great regret for having transgressed the orders of the House, and had authorized him to acquaint the House, that he is extremely sorry for his offence, and to assure the House, that upon no occasion his behaviour should again be such as to incur the censure of the House. Whereupon Mr. Speaker submitted to the House, that he trusted they would, at all times, be extremely careful to pay the strictest attention to the observance of their orders, so necessary for conducting the business of the public with regularity and effect, and so essential to the maintenance of their own honour and dignity: That he would remind the House of their orders, whenever he saw occasion, and enforce them to the utmost of his power, as the duty of his station required; in doing which he had no doubt of receiving the support and approbation of the House: That however, in the present case, he submitted to the House whether they would not be pleased to take into their consideration the information which had been given by the hon. member who spoke last. (Upon the information before mentioned, and the apology which Mr. Whitmore had authorized the member to make, and in consequence of what Mr. Speaker had now said, the House consented that the motion made for calling in and reprimanding Mr. Whitmore should be withdrawn.) And the said motion was accordingly, with leave of the House, withdrawn. And notice was given to the member who was withdrawn that he might return to his place in the House.]

Mr. *Burke* resumed his speech. Having now decided a point of order in this House, we return to the transactions of another assembly, not so famous for order. But by whom was the unfortunate king accused? By citizen Paine on the one hand, and citizen Frost on the other. Were these Frenchmen? No. They were not Frenchmen by birth, but Frenchmen by merit. Thus, France adopted citizens from all nations, and such a group of abandoned and unprincipled citizens as no other nation on the face of the earth would receive. Instead of navigating the Scheldt, these wretches navigated the Styx only; and announced slaughter and destruction to all mankind. Were these the men to whom we purposed to send an ambassador? Were we to petition them for peace? Were we to humble ourselves before Judge Paine? It might perhaps be sarcastically asked, how citizen Franklin, with whom citizen Paine was formerly intimate, came to be acknowledged as an ambassador, and why he (Mr. Burke) connived at such a degradation? The answer was obvious: citizen Franklin had never advi-

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sed the extirpation of all kings. When the independence of America was acknowledged, all Franklin's crimes were absolved. The difference between these two was great in other respects. Franklin was a native of America: Paine was born in England, and lived under the protection of our laws; but instigated by his evil genius, he conspired against the very country which gave him birth; by attempting to introduce the new and pernicious doctrines of republicanism. During the American war, we heard of no acts of barbarity, no deliberate murders, no dethronement and decapitation of kings. There had appeared more atrocious guilt in France in one day than in America and England in seven years. How could we possibly avoid war, when France had denounced destruction against all the kings of Europe. We were forced, on principles of self-defence, into a confederacy with all the sovereigns of Europe. I say, we are now engaged in actual war. The question consequently is—Will you tamely surrender yourselves to citizen Frost, and Paine? Forbid it, heaven! forbid it, justice! forbid it, humanity! Yield to traitors to their king? To a nation of murderers? Stain the illustrious pages of our history with such profanation and impiety? May God, in his infinite mercy, add vigour to our arm, and enable us to check the encroachments of those monsters of society!—Mr. Burke concluded a very eloquent but desultory speech with reading, from a slip of paper, a declaration, which he wished to be avowed as the grounds of the conduct of the executive power, in order that the people of England might know, that, if there must be a war, it had arisen from the proceedings of those among themselves, who, by their seditious practices, had provoked it; and that a war with France was necessary for the security of the liberties of England, the interests of Europe, and the happiness of mankind.

Mr. *Courtenay* said, that he had learnt, from the speech of the right hon. gentleman who spoke last, three points of material importance, which he should otherwise never have conceived: 1st, that we were at war with France; 2dly, that to send an ambassador to that country would be sueing for peace; and 3dly, that we ought to make war, in order to exterminate the French metaphysicians. The right hon. gentleman, however, had proceeded to a greater extent, having damned all Frenchmen to the third and fourth generation. Seizing with avidity the prominent features of certain detestable characters, he bestowed condemnation upon the whole, because some individuals had committed acts of outrage, and deserved condign punishment. The right hon. gentleman put up the members of the national convention like ninepins, and bowled them down as his inexhaustible fancy directed. With regard to the impolicy of sending an ambassador to Paris, he widely differed from the right hon. gentleman. Had not Sweden an ambassador there? Had not Naples an ambassador there? Were not the royal family of Naples nearly related to that of France, whose fate he, as well as every good man, sincerely deplored? How, then, could our ambassador be degraded? But the right hon. gentleman allowed himself to be hurried away by his implacable hatred to the French, whom he had ingeniously described conquering every where, with the sword in one hand, and the Rights of Man in the other. He commended the honourable testimony which Mr. Burke had given in favour of the English soldiers in America, who were now very generously presented with absolution. A recantation of past errors was an act of magnanimity. Could he, however, forget his conduct during the American war? Could he forget his prayers for the success of the American arms? Could he forget his enthusiasm in favour of republicanism? Was his memory so frail and fleeting, that he could not remember how he wept over the fate of the rebel Montgomery—how he exulted at the victories of the rebel Washington? Was it so treacherous, that he could not remember his complaint against the imprisonment in the tower of Mr. Laurens, the chief magistrate of the greatest republic in the world? But success changed the opinions of men. Dr. Franklin's crimes, as we had now been told by the right hon. gentlemen, were pardoned by the recognition of American independence: and perhaps he, or some other orator, equally ingenious would boldly affirm, that the murderers of Paris were pardoned by the recognition of the French republic! Mr. Courtenay confessed that he had not been in France "in the days of chivalry." He had not seen seventeen years ago "delightful visions" in that country. But he had been there a short time since, when he saw sights that would have "created a soul under the ribs of death." He

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had seen fathers devoting their sons, wives their husbands, mothers their children, to the service of their country. If there were men to whom this sight would not be grateful, those men were not objects of his envy. Indeed he felt sorrowful in the extreme, when he read the audacious, the unprincipled, the shocking manifestoes of the duke of Brunswick; but that sorrow was changed to rapture when, a short time subsequent to the publication of the late manifesto, the duke and his disciplined ruffians were driven disgracefully out of France. He rejoiced at the subsequent successes of the French. Their glorious expedition in Brabant—their liberation of Flanders. He had lived to see the genius of liberty inspire the French with a portion of noble ardour which the slaves of despots found irresistible—to see the duke of Brunswick's disciplined ruffians fly before republican energy, to hear of the battle of Jemappe, when the fighting machines of aristocracy retired with disgrace, and left the field to freemen, emulous of true glory. These were the men whom the right hon. gentleman had reviled; these were the men against whom, to increase the blessings of our constitution, he urged us to wage war. Were we become so senseless, so petrified, so deadened to justice and humanity, as to listen for a moment to such pernicious sophistry? The proclamation, which, no doubt, was very well intended, has been productive of two mobs only—those of Birmingham and Manchester—who both bellowed the favorite cry of "Church and King!" ministers had certainly acted in a bungling manner. Before this time, there ought to have been church and king mobs all over the kingdom. Where were the insurrections said to be against the constitution? When the tree of liberty was expected, according to the ministerial report, to be planted on Kennington-common, the troops were almost starved, waiting for the insurrection. This reminded him of a story of lord Craven, in the time of Charles the 2nd. His lordship was always present at fires. A house being burnt in the city, the king asked if lord Craven was there, "Oh yes," exclaimed a courtier, "he was there waiting for the fire three hours before it broke out." Mr. Burke, he said, was the dupe of his imagination. If France was only hinted at, the right hon. gentleman immediately yielded to his favourite passion. Off he dashed, with some whipping and spurring, that he might travel the remainder of his journey with alacrity. Talk of a republican government, suddenly his magic lantern appears, and he produces Paine, Frost, Marat, Robespierre, &c. dancing in merry confusion. He sports till he himself is sickened; and till the most jocose become serious. Thus (said Mr. Courtenay) have I delivered my sentiments on the present state of affairs. They exactly correspond with those of my right hon. friend (Mr. Fox.) While I live and breathe I will maintain these opinions. I know the public and private virtues of my right hon. friend; and whenever I separate from him, I shall consider that day the most degraded of my life.

Sir *James Murray* opposed the motion. He agreed that nothing could justify a war but the most urgent necessity; but if such necessity should be found to exist, he was decidedly of opinion we had every thing to hope for. To prove this position he took a view of the powers of Europe, as they stood affected towards France, and contended that we must receive their assistance in any struggles we might unhappily be drawn into. He defended the duke of Brunswick, and assured the House, from his own personal knowledge, that no acts of cruelty were exercised by the Austrians, in their irruption into France, and that the manifesto that had given so much offence was merely intended to terrify the inhabitants into a submission, and at most could only be called bullying.

Mr. *Sheridan* said, that never since he had sat in parliament had he heard a question so perversely argued, or the mover of it so unjustly treated. This compelled him to trespass on the indulgence of the House, late as the hour was, and he must be excused for paying no respect whatever to the observation of a right hon. gentleman (Mr. Burke), that it was improper to bring forward these discussions in the absense of his majesty's first minister. This was a tender respect to the dignity of office in that right hon. gentleman; but he must be permitted to say, that the representation of the country was indeed placed in a degraded light, if it was to be maintained that the great council of the nation was not in this momentous crisis a court competent to discuss the dearest interests of the people, unless the presence of a certain minister of the crown sanctioned their deliberations. But on what ground did they regret the

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absence of the treasury leader? Had there appeared any want of numbers or ability on the bench opposite * to compensate for this loss? What exertion that he could have furnished had been unsupplied? Had there been any want of splendid and sonorous declamation to cover a meagreness of argument? Any want of virulence of invective to supply the place of proof in accusation? Any want of inflammatory appeals to the passions where reason and judgment were unsafe to be resorted to? Unquestionably in all these respects, the chancellor of the exchequer had not been missed. In one respect, indeed, they might be justified in regretting his absence. They had been pressed to prove the facts asserted in the king's speech, and in the proclamation. Not an atom of information could any present member of the government furnish; doubtless, therefore, the insurrection was a secret deposited in the breast of the chancellor of the exchequer, and he had taken in his pocket all the proofs of the plot to assist him in his re-election at Cambridge.—His right hon. friend had recommended, that before we plunged into a war, and drew upon the treasure and blood of the people of Great Britain, we should try, if possible, to settle the matter in dispute by negociation, and show to the people that we had so tried. This his right hon. friend had recommended as a duty which we owed to our constituents, be the character and principles of the power with whom we are disputing what they may. Was it credible that a proposition of this nature should have been received with such heat? Reason and duty at any other time must have supported it. But the fact was, that the moment was unfortunate; the time was full of heat and irritation; natural and artifical government had thought it their interest to inflame this disposition. Intelligence was expected of a catastrophe in France, which all human hearts deprecated, and would equally deplore; in this temper, therefore, the public mind was worked up to a blind and furious hostility against France, and the dearest interests of our own country were to be risked at the call of a momentary enthusiasm, which, if not bottomed in sound policy and sound sense, was sure not to be lasting. Could there be a stronger proof of this temper, than the manner in which a learned member (Mr. Grant) had supported his argument. The most successful passage in his able speech turned upon a passionate appeal to the pride and dignity of the English nation. He thought proper to assume, that any thing like negociation at present, would be a petition for mercy and forbearance from the French nation; and then he triumphantly exclaimed, "Draw your petition, and where is the man, with a British heart within his bosom, who will sign it?" What unfairness was this? Was there no mode between nations of demanding explanation for an injury given or meditated, but by petition? Did we petition the court of Spain in the affair of Nootka Sound? Did we petition France in the dispute respecting this very Holland in 1787? Or did the learned gentleman believe that, notwithstanding these instances, there was something so peculiarly meek, pliant, and bending in the character of the first minister, that it was quite impossible for him to assume a lofty tone or a haughty air for any purpose? The case of Russia, however, Mr. Sheridan ridiculed and excepted. To judge by that alone he admitted that the learned gentleman might be justified in apprehending that every menace of this government was to end in an act of meanness; that, whenever he saw the minister in the attitude of threatening, he might expect to see him in the act of conceding; and that, if he armed it was in order to petition for mercy. Without this inference from the past conduct of administration, the general argument was idle, and all the proud acclamations it had produced were wholly thrown away.—Mr. Sheridan next adverted to the declaration of Mr. Windham that as he was of opinion that moral propriety prohibited our treating or having any intercourse with France, he had rather, if it ever took place, that it should be matter of necessity and not of choice. This he treated as a sentiment not consistent with the usual precision of understanding which characterized that hon. gentleman. It was admitted that some time or other we must treat with the French, for eternal war or the extirpation of the nation was not yet avowed by any one. Necessity, then, was to be looked to, to give us a moral excuse; and whence was that necessity to arrive? from defeat, from discomfiture, from shame and disgrace. Happy prospect to look to, which would excuse us as it did the duke of

* Mr. Burke, for the first time, took his seat this evening on the Treasury Bench.

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Saxe Teschen in his glorious retreat from the contamination of treating with this nation of robbers and murderers, as they are styled. Happy, dignified opportunity to treat, when we should be completely at their mercy. Unquestionably we should then be justified, and certainly we should be undone. But the hon. gentleman argued as if this case of necessity, through defeat, could alone justify us in negociating with such a foe. What! did he not perceive that an equal necessity might arise from our success? We went to war for a specific object—the minister avowed and explained that object. Admit that we are victorious and obtain it—is not the war to cease when the object of it is obtained? And if to cease, how but by some intercourse or agreement of some sort or other? Here there would be a situation in which negociation must arise, not from necessity and defeat, but from victory and justice; all nicety and strained morality, and meek dignity, therefore about the thing itself was trifling; and as to waiting that time might operate, he did not conceive that if that time was to be spent in war and blows, much advance would be made in the spirit of conciliation.—In stating the question this way, he argued, on the declared grounds which his majesty's speech and the ministers gave for the war; for if he were to argue on the ground on which the war was urged with such impassioned and popular eloquence by other gentlemen, in that case he must despair of ever seeing peace return to the earth. With them was the motive to keep faith with our allies? Was the object to preserve Holland? Or to resent the incendiary decree of the national convention? Nothing like it through all their speeches! They scarcely deigned to mention such little and limited purposes. No: their declared object was to avenge all the outrages which have been committed in France; to reinstate, if possible, all that has been overthrown; to exterminate the principles and the people who preach the principles which they reprobate. As Philip demanded the orators of Athens to be delivered up to him as his most formidable enemies, these gentlemen must have all the democratic metaphysicians of France extirpated, or they cannot sleep in their beds. In short, the whole bearing of the arguments and instigations they used to rouse the House to hostility, went to advise a war which never was to cease, but with the total overthrow of the French republic, and the extermination of all who had supported it. Was the House, was the country, ready to vote a war for such an object, and on such principles?—We were told that we must not differ with the allied powers, with whom we were in future to co-operate. Were we, then, to make a common cause in the principles, and for the purposes for which these despots associated? Were the free and generous people of England ready to subscribe to the duke of Brunswick's manifesto? That hateful outrage on the rights and feelings of human nature, that wretched issue of impotent pride, folly and inhumanity, that proclamation which had steeled the heart and maddened the brain of all France, which had provoked those it had devoted to practise all the cruelties it had impotently threatened to inflict, which had sharpened the daggers of the assassins of the 2nd of September, which had whetted the axe now suspended over the unfortunate monarch—was the nation ready to subscribe to this absurd and detestable rhapsody? One case alone had been sufficient to decide him as to the true spirit of the league —the brutal rigour with which La Fayette had been treated; whatever else he was, he was a brave man, and he was in their power. The use they had made of that power sufficiently showed how they would have treated others, whom they might well consider as entitled to ten-fold enmity.—Mr. Sheridan proceeded to reprobate the idea of Great Britain engaging in the war on the principles of the allies. The question was not merely whether we should go to war or not, but on what principles, to what end, and pledged to what confederacy we should go to war. For his part, he had declared, that, if war must be, the defence of the country and its constitution would be the single consideration in his mind; and for that purpose he would support the executive government, in whatever hands his majesty placed it. But in this declaration he referred to a war undertaken on the necessity, and directed to the objects stated by his majesty and his ministers. He did not refer to the crusade of chastisement and vengeance, which the zeal of some gentlemen recommended, and the clamour of the House seemed so ready to adopt. He would never consent that one English guinea should be spent, or one drop of British blood be shed, to restore the antient despotism of France, that bitter-

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est foe that England ever knew. Sooner than support such objects, or such a project, he would rather violate the proud feelings which he shared in common with the House, and petition for peace, with any concession, and almost by any sacrifice. But he trusted no such dilemma impended. The real object of the war was one thing; the fiery declaration which was to whet our valour was another.—Mr. Sheridan now adverted to the strange situation in which the House might bring itself, by indulging this furious spirit of declamation, against the meanness and infamy of holding any sort of treaty and intercourse with France. It was in the first place a libel on his majesty's speech, and upon our own address. His majesty had encouraged us to hope, that notwithstanding his armament, he might yet procure to us the blessing of peace; and we had thanked and encouraged him in his gracious intention. How was this to be achieved? Disputes and cause of complaint existing without some sort of communication, it was impossible. How was this to be carried on? Was there any sort of dumb crambo, by which the parties might come to understand each other; and yet the form of negociation be slipt from, and the moral dignity of Great Britain be preserved? A right hon. gentleman, indeed, had warned the House to be tender of advising his majesty in the exercise of his prerogative; yet he himself had actually usurped the first prerogative of the crown; and in contradiction to the king's express declaration, declared the nation to be actually at war. But what was to be said, if, after all this, the minister, when he returned to his seat in that House, should bring us the happy intelligence, that, in consequence of explanation and treaty, the calamities of war were actually averted? Mr. Sheridan asserted peremptorily, that, at the very moment in which the House was urged to a flame at the idea of our stooping to the contamination of treating with France, the minister was actually negociating, not only through Holland, but directly with agents from the French executive council. Should his efforts be successful, observe how you must treat him on his return: if he should tell you that a temperate explanation has taken place; that the French had abandoned all idea of attacking our ally; that they had rescinded the incendiary decrees and declarations which had countenanced the disaffected in England; and that this peaceful and prosperous country might return to that state of applauded neutrality which we have just thanked his majesty for adhering to, this we must answer, "Go, thou mean wretch, thou betrayer of the pride and dignity of the crown and of the nation, thou contaminated man, debased by intercourse with the agents of robbers, ruffians, murderers, and atheists—we only dissembled when we applauded your neutrality; we detest your peace, and we meant to dupe our sovereign when we called on him to preserve it." Would the House make this answer, should such happy intelligence be brought them, and will they own that they played the hypocrite in their address to their king?—Mr. Sheridan then declared, that from the commencement of the revolution, he had been of opinion, that if there had been a statesman-like administration, they would have considered the post of minister at Paris, as the situation which demanded the first and ablest talents of the country. Happy, he believed, it would have been for both countries, and for human nature itself, if such had been the opinion of government in this country; and highly as he valued his right hon. friend, unparalleled as he thought his talents were, he should not hesitate to declare, that, as minister in Paris, there was scope and interest for the greatest mind that ever warmed a human bosom. The French had been uniformly partial, and even prejudiced, in favour of the English. What manly sense, what generous feeling, communicating with them, might have done, and above all, what fair truth and plain dealing might have effected, he believed it was not easy to calculate; but the withholding all these from that nation in our hollow neutrality, he was sure, was an error which would be for ever to be lamented.

Mr. *Dundas* said, that when the hon. gentleman who spoke last rose, he thought all the arguments that were used had been fully answered on the former night, all the facts in the proclamation, and the speech from the throne, the House had already decided on. One assertion, that of a negociation now depending, was of a nature which a minister could not safely answer; because, whether he admitted or denied it, he disclosed what might be unfit to be disclosed. All, therefore, that he could say on the subject was, that the

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hon. gentleman's assertion was not compatible with his belief. Mr. Dundas repeated this in more guarded terms: "that, in his opinion, he believed that it was not compatible with his belief." With regard to the ambassadors of other courts remaining at Paris after the king was dethroned, he knew nothing of it; but he believed that the Dutch had observed the same conduct that the English court had done. To sum up the whole, he would put it on this issue: if, under the former government of France, while we had an ambassador in France, and France an ambassador here, the French government had received persons from this country, complaining of the constitution, and proposing an alliance to subvert it, and given a favourable answer to such persons, what would have been the duty of his majesty's ministers? Would it not have been to recall our ambassador, and order the French ambassador to quit this country? How, then, could we now send an ambassador to France, when the present French government had notoriously done the very same thing?

Mr. *Fox*, with a hoarseness so severe as to make it very difficult for him to speak at all, said it was physically impossible for him to say much, nor did he intend it. If I had thought, continued he, the circumstances such as the case stated by the right hon. secretary, I would not have made my motion; but from his majesty's speech and the address of the House in answer to it, I was authorized to think otherwise. Would the right hon. secretary in any case recall our ambassador, and order the French ambassador to leave this country before he had actually determined on war? I think he would not: and that war is not yet determined on appears from this, that his majesty has assured us from the throne, that nothing will be neglected by him that can contribute to the important object of preserving the blessings of peace; and for this assurance we have returned thanks in our address. If I sent an ambassador to France I would not instruct him to petition, as some gentlemen have been pleased to suppose, but to demand satisfaction; and if that were denied, to return. The chief point maintained by me in making this motion, is, not that the people are always to be consulted on the expediency of going to war, but that on all occasions they ought to be truly informed what the object of the war is. If my motion is not adopted, and war should ensue, I fear there will be much doubt about what is the true cause, and that some will think we are fighting for one object, and some for another. The right hon. gentleman (Mr. Burke, asserts peremptorily that we are at war: and yet he voted for the address, thanking his majesty for his endeavours to preserve the blessings of peace. He directly contradicts both the ministers and the speech from the throne. They praise his eloquence in their support, but take care not to adopt his opinions. Whenever you do treat,—and that you must treat some time or other nobody can deny—you must treat with the existing powers; and if you refuse to do that now, which you know must be done at some time or other, you give away the opportunity of saving Holland from a war, of preserving to her the monopoly of the Scheldt without a war, and of obtaining the revocation of that resolution of the executive council, of which I perhaps think as ill as you do. If the point in dispute be, whether we shall negociate by a minister, or by means of secretaries communicating with ministers, I do not think that a sufficient cause of war. I have done my duty in submitting my ideas to the House, and in doing this, I cannot possibly have had any other motives than those of public duty. What were my motives? Not to court the favour of ministers, or those by whom ministers are supposed to be favoured; not to gratify my friends, as the debates in this House have shown; not to court popularity, for the general conversation, both within and without these walls, has shown that to gain popularity, I must have held the opposite course. The people may treat my house, as they have done that of Dr. Priestley—as it is said, they have more recently done that of Mr. Walker. My motive only was, that they might know what was the real cause of the war into which they are likely to be plunged, and that they might know that it depended on a matter of mere form and ceremony.

Mr. *Drake*, jun. declared, that at this awful and portentous crisis of affairs he could not give a silent vote, without expressing, before God and his country, the indignation he felt at the introduction of a subject fraught with the most baneful consequences to the liberty, the honour, the tranquillity, and the independence of Britain. Gentlemen on the other side of

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the House, in the course of this discussion, had evinced an indecent exultation at the abolition of monarchy in France, and the subsequent calamities which every man of feeling ought to lament and abhor. The only benefit that could accrue to this country from that event, was the dissolution of the family compact. But, alas! that advantage was absorbed in the alarming extension of the territories of the French republic, which, if recognized by us, would excite the resentment of every power in Europe, and pave the way to render Great Britain a province of France. Was not this the time for Englishmen to join heart and hand in maintaining our independence and supporting our importance in the political scale of Europe? They had likewise exulted in another event, which ought rather to be a subject of condolence and regret, namely, the retreat of the combined armies, whose leaders were actuated by the laudable motives of humanity, whose object was, to stop the effusion of blood, and prevent those excesses incident to a ferocious people, who had thrown off all restraint of government, and relinquished every social and moral obligation, and reverted to a state of nature, of anarchy and confusion. He described the men who composed the legislative and executive government of France, and reprobated the idea of sending a minister to negociate with rebels, assassins, and regicides, whose ambition seemed stimulated by rapine, havoc, and devastation. With such a junto, a member of the British House of Commons had the hardihood to propose an embassy, which always implied a parity of manners, and a reciprocity of interest. He would ask the right hon. gentleman, who would go upon this diplomatic expedition? No man that was loyal to his king and faithful to his country, would undertake an embassy to which so much danger and responsibility was attached; for sure he was, that a disparity of political sentiments would expose any person of that description to the ferocity of a licentious mob, who might perhaps imbrue their hands in his blood before they permitted him to deliver his credentials to those immaculate gentlemen who were placed at the helm of affairs in France. Indeed, the subject in discussion appeared to him.

"——a monster, of such frightful mien,
That to be hated, needs but to be seen."

And in justice to the right hon. mover, he was inclined to believe he was not sincere in his intentions; for the old adage *par pari gaudet* was not unfrequently applicable to the rational as well as to the brute creation.—Mr. Drake then addressing himself to the opposite side of the House, broke out in a most severe invective against the gentlemen who had supported the motion, and in the most emphatic terms conjured his honourable, ever honourable, and right honourable friends, to unite heart head, and hand, in suppressing and extirpating the very semen of a revolution which was but too manifest in the volcanic, subterranean, infernal, diobolical eloquence of his inimical friends who—[Here a peal of laughter.] The hon. mover insisted that he had been interrupted in one of the most essential privileges of a British senator, viz. the freedom of speech, which he hoped the Speaker had not omitted to demand of his majesty at the opening of the present session: and if it had been obtained, he, in common with other members, had a right to avail himself of it. In order to conciliate the attention of the House, he lamented that it was necessary for members to detail their political creed. Whatever that of others might be, his was, loyalty to his king, fidelity to his country, and love to the constitution. The hon member declared, that if by theatrical gesticulation he had betrayed an excess of animation, it was but the ebullition of his heart, which obliged him to exclaim with Hamlet, that he had

——"that within which passeth show;
"These but the trappings and the suits of woe."

The subject matter in debate was of vast importance, and struck to the heart of every patriotic Englishman, whose reason was unruffled by passion, unclouded by prejudice, and unwarped by party. For his part, he was an isolated man, who thought the cause of his country paramount to every other concern; he therefore trusted, that gentlemen would impute his animation to a zeal for the good of his country, which neither hope nor fear could influence him to suppress.

The motion was then put and negatived.

Debate on Mr. Grey's Complaint of a Libel intituled "One Pennyworth of Truth, from Thomas Bull to his Brother John."]

Dec. 17. Mr. *Grey* rose to make his promised motion. He began by saying, that in a former debate Mr. Dundas had

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taken fire at an insinuation he had made, that the protection of the laws was not extended equally to all his majesty's subjects. So far, however, from receding from that insinuation, he begged to be understood, that he meant to substitute now assertion for insinuation. He was decidedly of opinion that the protection of the laws was not equally extended to all persons. In support of his opinion he adduced the riots at Birmingham, into the causes of which no inquiry had been suffered to take place. In the present instance, if administration created an alarm; if at the same time that alarm was occasioned by a general description held out, that there were persons disaffected to the constitution; if such a general description, too, were made for the express purpose of subjecting particular persons to the vengeance of the people, he conceived that he was fully justified in the assertion he had made. Several facts had been stated to justify the proclamation. These were all denied. At Dundee the tumults were over ten days before the issuing of the proclamation; besides, it was plain that government did not assemble the militia to suppress them; for if they had, the militia would not have been drawn towards London. Those tumults being suppressed without the interference of the military, he contended, that the minister had abused the term of insurrection, and had been guilty of perverting an act of parliament. If he had conceived that riots would break out he ought to have assembled the parliament, and have called for a bill of indemnity. He had not pursued this mode, because it was his interest to create alarm and excite apprehension. If there really existed disaffected persons, they should be pointed out and punished. Riots, he understood, had taken place at Cambridge. Very serious tumults had occured at Manchester; these seemed to proceed from a meeting held at Manchester on the 11th instant, for the purpose of preserving constitutional order. The same evening a mob had assembled and attacked the house of Mr. Walker. An hon. gentleman whom he saw in his place (Mr. Peel) was present at that meeting. In one of the daily papers it was stated, that he said, in his address to the meeting, that it was time for the people to rouse from their lethargy, for there were incendiaries in the country. If Mr. Peel really did utter these words, he called on him to say who those incendiaries were. He had heard that an express had arrived from Manchester that day, which stated, that the populace had risen again, and had destroyed the houses of Messrs. Cooper and Walker. At Birmingham, also, symptoms of riots had been evinced. These effects seemed to him to have proceeded from a publication, issuing from the Association at the Crown and Anchor Tavern: it was called "A Pennyworth of Truth from Thomas Bull to his Brother John." He had sent for it to the Crown and Anchor, and was told that it was delivered to none but subscribers, but was to be had at Stockdale's; a proof that they avowed the publication. It contained the following libellous invectives against the dissenters. "Our national debt, for which we are now paying such heavy taxes, was doubled by the troubles in America, all brought upon us from the beginning by the dissenters there and here. Did not Dr. Price write for them? And did not the Birmingham Doctor (late one of the king's elect of France) encourage them, and write mob-principles of government to justify them?" Paine's Rights of Man had not produced one riot; but this invective against the dissenters seemed calculated to produce effects the most alarming. If government did not put a speedy termination to these proceedings, he was convinced that that great man, Dr. Priestley, and every other dissenter, would not be safe. He read several extracts from the paper, and concluded with moving, "That the said paper be delivered in at the table and read." This he intended as the ground of an address to the king to give directions to the attorney general to prosecute.

Mr. *Peel* conceived that a newspaper paragraph was no foundation on which to criminate a member of that House. With regard to what was attributed to him in the paper alluded to, he disclaimed it all, except his having said "God save the King." The association he belonged to at Manchester consisted of men of independent principles; every man in it spoke his sentiments, and nothing but sentiments of loyalty were uttered. When he left the town all was quiet; and he regretted that the people afterwards broke into disorder. The hon. gentleman, had insinuated, that the riots were occasioned by the Association. The objects of the Association were, to protect the laws, and to discourage any attempts to break in upon the

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peace of society. There were in Manchester some few disaffected persons; but in general they were contented, happy, and attached to the government and constitution. As to party among them, there was once a division, one side was called Pittites, and the other Foxites: but that had ceased; they had all coalesced, and called themselves Kingites.

Mr. *Adam* rejoiced to hear, on such respectable authority, that the lower class of people had too much good sense to suffer their attachment to the constitution to be shaken by any writings. It was a fresh proof that there was no tendency among them to insurrection, for the purpose of overturning the constitution. He enforced the necessity of the motion, and expressed his doubts as to the legality of the associations that had been entered into for the purpose of prosecuting seditious writings. If the law was enforced as it ought to be, such associations would be unnecessary. He was sure this sort of assistance to government was not right, since it tended to establish what we blamed so much in France—a government by clubs.

Mr. *Yorke* was against admitting the motion, for if it was acceded to, the House would have nothing to attend to but such motions. If it was a libel the regular course of law might be taken.

The *Attorney General* said, that considering the situation in which he stood, it would not become him to give any opinion on the paper which was the subject of the motion; he was on that head to receive the orders of the House and obey them, but not to attempt to influence their decision either by argument or by vote, and therefore he intended to withdraw, after he should have made one or two observations in general on prosecutions for libels ordered by the House of Commons. It ought first to be well considered, whether the paper which was to be made the groundwork of a criminal proceeding was really libellous or not; and, secondly, whether it was probable that a conviction would be procured; for it would be an awkward circumstance for the House to order a prosecution for a paper which might be pronounced by the judges, not to be a libel, or, which being one, was of such a nature that it could not be proved. In such a case the House, to use a coarse, but an expressive saying, would "show its teeth when it could not bite." It would require much time even for a professional man to peruse a long paper, and examine all its parts attentively, before he could tell whether he could make it the ground of an information or an indictment; how, then, could it be expected, that the House should in a moment be able to form a judgment of such a case? He had more than once prosecuted, in obedience to the commands of the House, when he knew he could not convict the accused; but he was forced by order to prosecute, and could not say beforehand that a conviction was not to be expected. He therefore wished that gentlemen, whenever they wanted to move for a prosecution of any person for a libel, would state the matter to the House, and then allow a sufficient time for consideration, before they made their motion, and called for a final determination.

Mr. *Jekyll* condemned the conduct of some of the associations in publishing papers, the obvious tendency of which was to bring down upon the dissenters all the rage and fury of a bigotted mob.

Mr. *Anstruther* replied to what Mr. Adam had said of associations. He denied that those to which his hon. friend alluded, were disposed to establish a government by clubs; on the contrary, they associated solely for the purpose of aiding the civil magistrate in the execution of the law, and not of setting up their own decrees as the law of the land. In establishing a fund for defraying the defence of prosecutions, their conduct was strictly legal, they meant not to pass by the grand juries, but, on the contrary, to present to them such publications as ought to be made the subjects of prosecution; this every individual was authorized to do by law; and consequently it was not illegal in a body to do it. Very dangerous papers indeed were in circulation. One had been sent to him, in which the writer complained of rents, taxes, and monopoly of lands, as intolerable grievances, which ought immediately to be removed.

Mr. *Lambton* said, it was necessary that libels, against whole descriptions of men should be prosecuted, as well as libels against the government, that evil disposed persons might not imagine that the reputation of any particular set of men might be attacked with impunity. He complained of calumnies of a dangerous nature, circulated against himself and his friends in the county which he had the honour to represent.

Mr. *Gregor* conjured Mr. Grey to with-

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draw his motion, and added, that some of the opinions lately maintained by Mr. Fox were highly dangerous, although the right hon. gentleman might not understand them to be so, and said, that if called upon to do so, he would point them out.

Mr. *Fox* said, it would ill become him to interrupt a business before the House, by calling for a debate on his own opinions; but if the hon. gentleman or the House chose to appoint a time for examining his opinions, he was ready to meet the discussion, and to thank them for it, confident that it would only afford him an opportunity of removing misconception. There were certain forms and phrases which, at present, every gentleman who rose to speak was required to repeat; all these, whether "Church and State," or "God save the King," or any thing else, he begged to be understood as having said or sung. As those who had read Italian operas might recollect to have seen prefixed an advertisement by the author, that when he introduced the names of the heathen gods and goddesses he meant nothing against the holy catholic religion; so he must advertise the House, that when he made use of the words liberty, equality, impartiality, he used them only in the true sense of the British constitution, and not as understood, or supposed to be understood, in any other country. This was the more necessary, as the first thing he had to do was to implore them to be equal and impartial; for it was not for the dignity of the government or of the House, to prosecute seditious publications on one side, and pass by those on the other. He had always advised never to connect riots and insurrections with seditious writings, and to repress and punish the criminal acts. His advice was not followed; libels on one side were connected with acts and prosecuted; if the same course was not pursued with respect to libels on the other side, surely there was neither impartiality nor equality. For how stood the facts? Libels against the constitution had been published, but no riot had followed these libels, no mob had taken the Rights of Man for their watch-word; yet these libels had been prosecuted. Libels against the dissenters had been published, riots had ensued, directed solely against the dissenters, of which church and king was the signal, and none of these libels were prosecuted. Were the dissenters, in this respect equally protected? Had they not a right to say, "You give every thing to the imaginary fears of others, and nothing to our real sufferings."—Mr. Fox paid a handsome compliment to the worth and character of Mr. Walker, who, he said, entertained opinions respecting the constitution of which he did not approve; but that was no reason for withdrawing his good opinion, while his life and conduct were irreproachable. It was their duty to take into their minds, not toleration, but that on which toleration was founded, sympathy for human infirmity and human error, and to recollect that those who differed from us might be right, although we could not see it. He expressed his doubts of the legality of the associations and subscriptions for criminal prosecutions; not of those for aiding the civil magistrate in suppressing riot or insurrection. Of one of this sort he should be ready to become a member, and to assist the magistrate in person if necessary, for it was the duty of every man to do so. Such associations might do good if there was danger, and could only excite a little unnecessary alarm if there was none. But these associations were at present made an instrument of tyranny over men's minds, almost as bad as the clubs in France, that went about, as often as they thought fit, requiring men to renew their civic oath on pain of proscription for incivism. Papers were handed about for signatures, and the names of those who signed, and of those who did not, were taken down with the mark of incivism fixed on the latter. To such persons in the lower ranks of life as had consulted him, he had said, "I shall sign none of these papers, those who offer them will probably do me no harm; but you they will deprive of your customers or your employers, and therefore whether you think them useful associations, or idle, I advise you to sign them." He remarked on various inflammatory handbills, circulated under pretext of calling meetings, and mentioned one for a meeting at Staines, concluding with—"Destruction to Fox and all his Jacobin crew." Now, it so happened, that his house was within three or four miles of Staines, and perhaps it might have been the purpose of the author of the handbill to serve his house as it had been attempted to serve Mr. Walker's. Of this, however, he was not much afraid: for although misrepresentation had often made him unpopular where he was not known,

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he had the good fortune never to have been unpopular in his own neighbourhood. He exhorted the House, by adopting the motion, or by some resolution declaring their equal disapprobation of riots on all pretexts, to save the country from the possible disgrace of driving a body possessing such talents, such industry, such invariable loyalty to the house of Brunswick, as the dissenters, to emigration.

Mr. *Windham* said, that the House had directed no prosecutions on either side, and therefore could not be charged with partiality. The law was equally open in all cases. The indignation excited against Mr. Walker was much more fairly imputable to his political opinions, than to his being a dissenter. It was natural and even justifiable for men to feel indignation against those who promulgated doctrines, threatening all that was valuable and dear in society; and if there were not means of redress by law, even violence would be justifiable. But we had laws, therefore violence ought to be punished; and on this ground he defended the associations, as tending to prevent violence by giving vigour to the law.

Mr. Serjeant *Watson* thought the dissenters entitled to every indulgence and protection compatible with the laws of good government. However the mode and form of their religion might differ from those of the established church, none of his majesty's subjects could possibly be more loyal. With respect to the various associations which had been lately formed, for the preservation of peace and good order, he considered them commendable in the highest degree, since their purpose was to assist the civil magistrates in the execution of the laws.

Mr. *Hawkins Brown* was of opinion, that the paper in question ought not to be prosecuted by that House. He thought the associations highly necessary at the present moment, and that very beneficial effects had already been found to result from them; they had even gone so far as to influence favourably the public funds.

Mr. *Mitford* declared himself as friendly as any man could be to universal toleration; but in his opinion it would be impossible to make a proposition more inimical to the peace and good government of this country, than the present one, since it was impossible at this time to separate religious from political opinions. He therefore thought, that until these religious and political opinions should cease to be united, it became him pertinaciously to resist this motion, which cast a marked reflection on government, by attributing to it a partiality for certain descriptions of people, simply on account of their religious persuasion. The church of England was, and he trusted would long continue, a great majority, when compared with the various persuasions of dissenters; and the provocations given by the latter to the members of the established church, by a variety of publications calculated to occasion much ill blood and animosity, obliged the churchmen, however unwillingly, to show that that they were the majority. With respect to the parochial as well as other associations, at the present critical juncture, he considered them as promising to be attended by numerous advantages, and was astonished that an objection should be stated to them.

Mr. *Dundas* defended the associations for prosecuting seditious writings as legal, and instanced the societies for prosecuting swindlers and house-breakers. He recommended it to Mr. Fox to consider the advice he had given about signing papers; for according to that doctrine, a magistrate might think himself sure of the support of a great number of persons, who, when occasion called, would refuse to aid him. Men who signed papers of which they disapproved, might soon learn to swear what they did not believe; and the signatures of traitors might appear among those of good citizens. No sufficient ground had been laid for receiving the paper, and therefore he should oppose the motion.

Mr. *Fox* said, he kept no such company as the right hon. secretary talked of. He conversed with no men who would refuse to aid the civil magistrate; and he had no advice to give to traitors, except to become good subjects. All that he had said was, that when papers and declarations were offered to men in the way of test, containing nothing of which they positively disapproved, but only what they thought unnecessary or useless; and when their refusing to sign such papers would bring upon them a sort of proscription to the great injury of their property, if not danger to their persons, his advice was to sign them; and a stronger necessity would even justify them in signing that of which they did disapprove.

Mr. *D. Scott* was of opinion, that it would be most prudent to treat the paper with indifference and neglect. He had

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seen hundreds of such papers, addressed to the lower orders of the people, containing the most seditious advice; they died away without notice or noise, through their own insignificancy. If noticed or punished, they might have derived an importance that did not naturally belong to them.

The motion was negatived.

Debate in the Commons on the Situation of the Royal Family of France.] Dec. 20. The report of the Navy Estimates was brought up, and on the Resolution, "That 25,000 seamen be employed for the year 1793, including 5,000 marines," being read,

Mr. *Sheridan* observed, that as the House was called on to vote 9,000 seamen above the number voted in the last session, some explanation might have been deemed necessary; but after what he had said on former nights, and feeling as he then did, the motion had his most hearty concurrence; and had the number moved for been 40,000, he should with equal readiness have concurred. In the present situation of Europe, he admitted the necessity of an armament; and if, unfortunately, we should be compelled to enter into a war, he hoped and trusted that it might be entered into with the exertion of every nerve of the empire, and conducted with an energy that might convince all Europe, that when compelled to endure that calamity, we were determined to pursue it not in a lingering and protracted, but in a decisive manner. He had however still to congratulate the people, that the prospect of peace was not so completely closed, as the arguments of several gentlemen on former nights went to establish; on the contrary, the motion now before the House, held out the same hope as had been held in his majesty's speech, that there still existed a chance of a war being avoided, and that our preparations might operate to continue to us the blessings of peace. The opinion that he had held on former nights he still held, that we ought to negociate with the governing power of any country, whatever that governing power might be: and had that policy been adopted, it might have led to the prevention of that catastrophe which every man in the kingdom not only feared but would deprecate as wicked, unjust and abominable. He was convinced, notwithstanding the gross and indiscriminate abuse thrown out against every human creature bearing the name of Frenchman, that there existed in that country a sincere disposition to listen to and respect the opinion of the British nation. He alluded to the situation of the king now on his trial, and of his family. He was confident that the French nation was ill-informed of the temper and feelings of the free, but generous and humane, people of Great Britain, and that if they could be in any authentic manner apprized of what he in his soul and conscience believed to be the genuine impression of the public mind on this subject, namely, that there was not one man of any description or party who did not deprecate, and who would not deplore, the fate of those persecuted and unfortunate victims, should the apprehended catastrophe take place, he was confident that such a conviction might produce a considerable influence, he wished he could venture to say a successful effect, on the public mind in Paris, and throughout France. Mr. Sheridan pressed shortly his reasons for thinking thus, and said, that among those whose hearts would be most disgusted by the unjust and inhuman act of cruelty he alluded to, he believed would be found all those who had been foremost in rejoicing at the destruction of the old despotism of France, and who had eagerly hoped and expected that to whatever extremes, as to principles of government, a momentary enthusiasm might lead a people new to the light of liberty; that however wild their theories might be, yet there would have appeared in the quiet, deliberate acts of their conduct, those inseparable characteristics of real liberty, and of true valour, justice, magnanimity, and mercy. He would not take upon him to give any opinion as to the manner in which the public sentiment of England might be expressed on this subject, but he was more and more convinced, from the latest intelligence from France, that the opportunity ought not to be neglected.

Mr. *Burke* was not one who looked up to the leaders of the Revolution in France for justice, magnanimity, or mercy—he was not willing to apply to them in any way, for the exercise of those virtues. The hon. gentleman, in the course of his speech, had insinuated that he had in former debates argued as if peace was out of the question, and had shown that he had neither stood forward as one in the secrets of ministers, nor in the interests of

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his country: that he was not in the secrets of ministers he admitted, but that was not matter of reproach, and his not standing forward for the interests of his country was an assertion unfounded, indecent, and impertinent. The hon. gentleman, in holding up those who governed in France as possessors of magnanimity, justice, and mercy, might as well have sung Ca Ira, as it would have been equally to the question. From what he had seen of those men, he saw nothing to admire, unless murder and treason were deeds to be praised. He had given his vote on a former night, from a conviction that war was inevitable, and that opinion he had founded upon the domestic dangers he had seen, and the situation of foreign affairs, and not from any knowledge of the secrets of his majesty's ministers. It was true, therefore, that in respect to those secrets, he spoke in the dark. But the hon. gentleman had spoken pretty boldly of the intentions of those on the other side of the water, and equally in the dark with himself, unless he was in the secrets of the French ministers. His opinion was, that the disposition of the French people was dangerous to Europe. He knew nothing of the gentlemen of the phalanx, he should leave them to themselves. But he must repeat, that he could not rely on the justice, the magnanimity, or the mercy of the French, particularly when they charged their king as a criminal for offences for which that House would not call the meanest individual in the country to their bar to answer. The truth was, the king was in the custody of assassins, who were both his accusers and his judges, and his destruction was inevitable.

Mr. *Sheridan* said, that a grosser misrepresentation, and a more unjustifiable insinuation had never before been made in parliament than had been made by the right hon. gentleman who had just sat down. He then recapitulated the principal points of his former speech, asserting that he had not held up the French ministers as examples of magnanimity, justice, and mercy, but had merely stated it to be his opinion, that were the French nation to be made acquainted with the unanimous sentiments of the British empire, they would not shock those who looked up to the zealous promoters of liberty, for the possession of magnanimity, justice, and virtue, by a proceeding that would render them detestable to all Europe.

Mr. *Fox* said, he did not rise to misrepresent any gentleman, or to throw out unwarrantable insinuations; he had no knowledge of the intentions of the leaders in another country, but as that event had been introduced which every man of humanity must equally dread and deprecate, he declared it to be his sincere opinion, that it would, if it should unfortunately take place, revolt the feelings of the whole nation, and of Europe, as an act the reverse of mercy, justice, and magnanimity; for it would be an act of the grossest and most foul injustice, cruelty, and pusillanimity. He agreed fully with what had fallen from his hon. friend, that not only those who held the government in France, but that the whole people would, if they could obtain it, pay great respect to, and be influenced by what he was confident was the unanimous sense and feeling of every man in this empire. Could no means be suggested to communicate that unanimous sentiment? Could not some mode be proposed for obtaining an unanimous vote of both Houses, conveying the unanimous opinion of the country, If any could, he, for one, should be happy to give it his hearty support, and should be glad, and obliged to any gentleman, to give him such an opportunity of doing away one of the cruelly unjust misrepresentations which had been made of his conduct. In speaking immediately to the question before the House, it had his hearty support, and with equal alacrity he would have voted for 40,000 seamen; he would not, however, move an increase of the number, as it was to be presumed that ministers knew what was necessary for the present exigencies, and as the House, by the present vote, were by no means precluded from an additional vote whenever that addition should unfortunately be necessary.—That he might not again be subjected to misrepresentation, he begged to declare, in terms the most explicit and sincere, that he was as eager as any man could possibly be for an armament. He deemed it indispensably necessary from the situation of Europe. He was equally ready to declare, that he was not one who with an indifferent eye saw the progress of the French arms; he felt it to be alarming to Europe, and was under considerable concern for the effects it might have on his country. Upon every ground an armament was wise and necessary. He wished that by negociation a war might be averted, but he was

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not willing that we should even negociate unarmed. If a neutrality was persevered in, he would still vote for an armament: and if war was necessary, the armament could not be too extensive and vigorous; but in either case, whether by negociation we should endeavour to preclude the necessity of a war, whether a neutrality was adopted, or whether ultimately and unfortunately a war should fall on us, the motion was expedient, and it had his sincere support.

Mr. *Pitt* declared, that the sentiments he had that night heard, had afforded to him the most heartfelt and cordial satisfaction. It was usual, he said, to give an explanation for calling on parliament for increased forces, when sufficient explanation had not been before given; but explanations for the present vote had been given. His majesty, in his speech from the throne, had stated the necessity of an increase of his naval and military forces, for the security of the peace of Europe, interrupted by schemes of aggrandisement and conquest, for the protection of the rights of neutral nations, for the maintenance of our constitution and national safety, and for the general peace of mankind. Knowing, though not at that time a member of parliament, that such reasons had been advanced, he had not been shaken in his opinion of the general unanimity of that House, and of the country, in the measure adopted by his majesty: nor had he been shaken by those propositions which he had understood had been made, and which, had he been present, he should have exerted the utmost of his abilities in deprecating, as advancing principles, impolitic, dangerous, and disgraceful to the nation. He should have contended against the proposition for sending an ambassador to France, as a proposition which, if adopted, would have entailed eternal disgrace upon the British empire, by giving countenance to that horrid deed which had been now deprecated as abominably wicked, unjust, cruel, and pusillanimous. In his expectation of the unanimity of the House, he had in no degree whatever been shaken by the opinions of the most zealous admirers of the French revolution; for he could not have been led to the supposition that even those gentlemen would have opposed the point of a vigorous preparation. In his expectations he was happily not deceived, and from that moment he had a right to look to the unanimous, to the determined, and vigorous support of the House. The doubt of the present vote being too small must be done away upon the consideration, that it did not preclude an increase: should war be necessary, the present was not in any degree to be considered the ultimate extent of our preparation. On the question whether peace would or would not be preserved, he would not give an opinion; but if it could be preserved, consistently with national honour, consistently with good faith, consistently with our own internal security, and consistently with the safety and interest of all Europe, it would not be broken—but upon any other terms peace would be but the nominal maintenance of its blessings, at the moment that they would in reality be sacrificed. On the part of his majesty's ministers, nothing would be omitted that had an honourable tendency to avert war; but much more had been already, and on that day done, to preclude the necessity of a war, than ministers by themselves could have done. The declarations from all sides of the House, according with the unanimous sentiments of the people, must make every nation in Europe feel that this was not a safe or prudent moment to force the British empire into war. He had heard with infinite satisfaction sentiments from the right hon. gentleman which went to the full approval of the declaration made by his majesty, and left at Paris by his minister, as his parting voice—that voice had been confirmed by the individual sentiments of every gentleman who had spoken—it was the voice of that House, and of the country at large. Europe and the world would see it with satisfaction, and humanity would feel grateful to them.—It had been asked in what way should we intimate the unanimous sentiment of the people of England?—in any way consistently with the honour of the nation but by an ambassador was unnecessary; the king, as the representative of his people, having already by his ambassador made that declaration; those who most admired the French revolution had made the same declaration, and their sentiments, no doubt, would be communicated in the usual channels; and of the sentiments of the other part of the nation, it was impossible for a doubt to be entertained; but if some formal mode was wished to be adopted, that it might be entered on the Journals of that House, for the purpose of handing down to posterity a solemn protest by this country against

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that event, which would be dreadful to humanity, repugnant to justice, to France eternally disgraceful, and to the world detestable; if it was the wish of that House to state the universal and unanimous execration and abhorrence which such an event would create in this country, the mode was easy; they could address his majesty for the declaration of his ambassador on quitting Paris, and an unanimous vote might be come to before they parted, expressing their full and hearty concurrenee in that declaration, and the abhorrence and detestation with which they should see any act against the personal safety of the king or his family.

The Report of the Committee was agreed to; after which Mr. Pitt moved for "a Copy of Instructions sent to earl Gower, signifying his majesty's pleasure that he should leave Paris," which was agreed to.

Instructions to Earl Gower signifying that he should quit Paris.] December 21. Mr. Secretary Dundas presented the following

Copy of the Instructions sent to Earl Gower, his Majesty's ambassador to the most Christian king, signifying his Majesty's pleasure that he should quit Paris.

Whitehall, August 17th, 1792.

My lord;—In the absence of lord Grenville, I have received and laid before the king your excellency's dispatch, No. XL.

His majesty learns, with the deepest concern, the height to which the distractions in Paris have been carried, and the deplorable consequences to which they have led, which are doubly affecting to his majesty, from the regard which his majesty invariably feels for the persons of their most christian majesties, and his interest in their welfare, as well as from the wishes which he forms for the tranquillity and prosperity of a kingdom with which he is in amity.

Under the present circumstances, as it appears that the exercise of the executive power has been withdrawn from his most christian majesty, the credential, under which your excellency has hitherto acted, can be no longer available. And his majesty judges it proper, on this account, as well as most conformable to the principles of neutrality, which his majesty has hitherto observed, that you should no longer remain at Paris. It is therefore his majesty's pleasure that you should quit it, and repair to England, as soon as you conveniently can, after procuring the necessary passports.

In any conversation which you may have occasion to hold, previous to your departure, you will take care to make your language conformable to the sentiments which are now conveyed to you; and you will particularly take every opportunity of expressing that, while his majesty intends strictly to adhere to the principles of neutrality, in respect to the settlement of the internal government of France, he, at the same time, considers it as no deviation from those principles, to manifest, by all the means in his power, his solicitude for the personal situation of their most christian majesties, and their royal family; and he earnestly and anxiously hopes that they will, at least, be secure from any acts of violence, which could not fail to produce one universal sentiment of indignation through every country of Europe.

(Signed) HENRY DUNDAS.

The Paper having been read,

Mr. *Pitt* said, that from the paper the House would perceive what then were the sentiments of his majesty, with respect to the transactions which had occurred in France; and these, he presumed, were the sentiments of every British heart upon the same occasion. What now must be those sentiments, when cruelties had been exercised, when a spirit of the utmost barbarity had been displayed, and nothing remained for us to look forward to, but that dreadful and final consummation which could not fail to excite universal horror and indignation. The only difficulty that had occurred to him was, in what terms that House could express itself suitably to the occasion. Considering the unanimity of sentiment which prevailed upon the subject, he had at first thought, that the best mode in which the sense of that House could be expressed, would be by a vote—a vote which might reach the whole of Europe, the influence of which should extend to France, and might perhaps there produce the effect which was so much to be desired. But in turning the business over in his mind, a doubt had occurred to him, whether this would be the best mode of proceeding. This doubt arose not from any suspicion of the unanimity of that House in expressing their indignation at

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a conduct which at once united the highest degree of cruelty and insanity; but from a reflection, that as that House, in giving their vote, would feel themselves bound to adopt terms the most strong and indignant, whether, by this circumstance national pride and jealousy might not be alarmed, whether these might not have the effect, in that state of fury to which the minds of the people were worked up, to mask and disguise the atrocity of their conduct, and hurry them on to the commission of that very crime which it was the intention of that House to exert their influence to prevent. Influenced by this consideration, it had appeared to him to be a better mode simply to allow the paper to remain on the table of the House. This mode would fully imply the concurrence of that House, in the expression of his majesty's sentiments.

Mr. *Windham* expressed his entire concurrence with the right hon. gentleman in every syllable he had uttered. If the sense of that House, the organ of the public voice at home, was to be expressed to a foreign power, the only organ this country could have for that purpose was its sovereign. He agreed also, that any formal communication to Paris might irritate and provoke the desperation of some persons, who might have their sovereign in their power, and by such means we should contribute to produce what we were all so anxious to prevent.

Mr. *Fox* expressed his concurrence with the proposal. His opinion upon this subject was, he believed, the opinion of the whole House and the whole country. It was better that we should proceed no further than that we should engage ourselves too deeply. He had heard it said that the proceedings against the unhappy king of France were unnecessary. He would go a great deal further, and say he believed them to be highly unjust, and not only repugnant to all the common feelings of mankind, but contrary to all the fundamental principles of law; for he regarded it as a principle of natural justice, an essential part of all human policy, never to be departed from under any circumstances or pretence whatever, in any country, "that the criminal law shall be rigidly construed according to its letter—that subsequent laws shall be adapted to crimes, but that all persons shall be tried according to the laws in being at the time of committing the acts charged as criminal." He thought now, as he had on a former occasion expressed, that if the sentiment of that House was perfectly unanimous, and that of the other House also, to communicate that circumstance to France would have a decided influence on persons of all descriptions there. He had assigned some reasons for being of that opinion, but he should say no more upon the subject at present. If there was a point on which his opinion was more clear than on any other, it was upon the abstract rule of justice with respect to the trial of persons for offences against law, and he was sure it was impossible to keep up that rule without condemning, from the beginning to the end, the proceedings against the unfortunate king of France.

Mr. *Sheridan* said, that this subject appeared to him one of great difficulty, importance, and delicacy. After the best attention he could give the subject, he must confess he knew of nothing better than that which was proposed by the chancellor of the exchequer, and therefore he concurred in it. However, he rejoiced to think that their common object was obtained in a great degree.

Mr. *Burke* observed, that the manly declarations of the two gentlemen who spoke last deserved the highest approbation. He highly applauded the principle of our constitution, that the king was the only organ by which the sentiments of this country could be conveyed to any foreign power. He observed it would have been impossible to send a message to Paris that would not counteract the purpose of averting the cruelty so much deprecated. There were two parties there, equally the enemies of the king, the irritable and furious—and the malicious and timid. If a message in the imperious style was to be sent, the irritable and furious would become desperate. If in a mild tone, the timid would take courage, and become more dangerous than ever. The House, he said, was about to do itself great honour by its moderation and its dignity.

The Paper was ordered to lie upon the table, to be perused by the members of the House.

Debate on the Marquis of Lansdown's Motion for sending a Minister to Paris—And on the Condition of the French Emigrants.] Dec. 19. Lord Grenville brought in a Bill "for establishing regulations re-

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specting Aliens arriving in this kingdom, or residing therein in certain cases." He said, that the vast influx of foreigners into this country, in consequence of the distractions on the continent, had excited no small alarm in the minds of his majesty's ministers, who had reason to apprehend, that among them were persons disaffected to the government of this country. For the preservation therefore of the public tranquillity, it had been thought expedient to make this provision by means of an act. Although he conceived that his majesty, by virtue of his prerogative, might compass this end, yet as that extension of power had not been exerted for a long period of years, it was almost obsolete, and required a revisal. This bill had no reference to that subject; it neither increased nor diminished the prerogative of the crown; the law on that point would remain entirely untouched by this bill.—The bill was read a first time.

Dec. 21. On the order of the day for the second reading of the Alien Bill,

The Marquis of *Lansdown* rose. His lordship observed, that the disturbances in a neighbouring kingdom having driven a very considerable number of its inhabitants into this, it certainly was become a subject of serious consideration what should be done with them. Since his arrival in town he had attended a meeting of one of the charitable societies established for procuring these friendless foreigners relief; and he found that more than a month ago, there were near 8,000 persons of this description who had taken shelter in England. Their only resource was in the humanity and generosity of the English nation, which had certainly been nobly exercised in their behalf; but when he should state that the expense of supporting them amounted to nearly 1,000*l.* a week, their lordships must be convinced, that the benevolence of individuals must soon become inadequate to the claims upon it, which were daily increasing. He had heard that ministers had it in contemplation to send these unfortunate refugees to the western part of Canada, there to give them grants of lands, and enable them to form settlements. He very much approved of the measure, but was of opinion, that, before it was carried into execution, this country ought to take some step to try what France might ultimately do for these poor people, whom the ruling powers in that nation had thought proper to banish. Possibly she might consent to receive them back again, or contribute to the means of their support in exile. How the opinion of France on this subject might be procured was the only difficulty that could be seen in the case. For his own part, he did not consider the difficulty as insurmountable; for we might do that to which he was sorry to find there was an objection—we might send a minister to Paris to treat directly on this head. His lordship said, that it was not for this purpose alone that he wished to have a communication with France: there was another object which interested every man of feeling, every man of virtue, justice, and humanity—he meant the impending fate of the unfortunate king of France, whom it must be the wish of every man in the nation, to save from the horrors of that fate which it was to be feared awaited him. He was not disposed to flatter that prince, though if flattery could ever be excusable, it would be when it was offered to a person in distress; but truth compelled him to say, that if ever prince had merits to plead with his people, it was Louis 16th. During a reign of sixteen years, it was his constant study to make them happy; and during that period he never once, till within the last six months, entertained a thought of consulting his own interest, as distinct from that of his subjects. Such a king was not a fit object for punishment, and to screen him from it every nation ought to interpose its good offices; but England, above all, was bound to do so, because he had reason to believe that what had encouraged the French to bring him to trial, was the precedent established by England in the unfortunate and disgraceful case of Charles 1st. He believed at the same time that no nation could interpose with so much effect in behalf of the ill-fated monarch at Paris, as the English; for he was fully persuaded that the French entertained a high opinion of the judgment of the English, of their justice and of their honour, which had been so strongly manifested by the exact neutrality observed by the British government during the course of the French revolution. It was the duty of England to stand forward on this occasion, to prevent a catastrophe which probably would never have been thought of, had not she brought one of her monarchs to the block; and it was doubly their duty, as it was probable that,

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were she to negociate for the life of the unfortunate prince to whom he alluded, she would not negociate in vain. He was happy in having received the intelligence this day of a nature which gave him ground for hoping, that we should not be called upon to act hostilely against France; for by a letter from Holland he was assured that our allies, the Dutch, did not consider the opening of the Scheldt as a matter of such consequence, as to make them run the hazard of a war for the purpose of preventing it, and that they therefore had determined not to call upon England to assist her in maintaining the exclusive navigation of that river. He did not hesitate to pronounce this a wise determination; and he believed it would have been prudent had they never thought of shutting up the Scheldt. Every one knew that, down from the time of sir Wm. Temple, the great strength of Holland, the principal source of her wealth, was the fishery, for which Amsterdam was much more commodiously situated than Antwerp. He was not able to see how England had been brought to concur in shutting up rivers; for what nation could derive so much advantage from an open and free navigation, as that which carried on the most extensive trade in the world? Of late years a policy hostile to exclusion had begun to gain ground: in the treaty which he had had the fortune to conclude, and which put an end to the last war, he had not lost sight of this policy, for he had stipulated for a free navigation of the Mississippi, though the possessions which we had on its banks were so insignificant, as scarcely to be worth mentioning. It was from the navigation of the river, and not from these possessions, that he looked in time for solid advantages to the trade and prosperity of England. He rejoiced that the Dutch had given up the exclusive navigation of the Scheldt, not merely on account of the advantages which we might derive from the opening of it, but chiefly because we should by such a measure be freed from the necessity of going to war. In that case, therefore, ministers might not find it a difficult matter to reconcile it to their feelings, to open a communication with France, and negociate with her, not merely on our account, but on that of other powers of Europe actually at war, and endeavour to prevent the carnage and expense of another campaign. Austria and Prussia must have suffered so much from the last, as not to find it an easy matter to provide the means of carrying on another at so great a distance from the centre of their strength. Germany, he believed, was not prepared to resist the torrent of French opinions, even from the stations which the French armies at this moment occupied, and though they should proceed no farther. Prussia, he would venture to say, would soon return to her old prejudices in favour of an alliance with France, and negociate a peace. Austria would soon be without resources; for though she was usually strong when she was at war with the Turks, it was not the case when she was at war with France. The reason was obvious; for when she took the field against the former, her capital generally flowed back into her own country; but when she acted against the French, her money was spent at such a distance from home, that it was scarcely possible it should find its way back.—One of the great causes of the present immense wealth of England, was the new system of keeping her capital at home, instead of sending it abroad to enrich the lands, commerce, and manufactures of foreign nations. Hence it was, that when there was a question of making canals, or opening a new road to speculation, the sums which individuals were ready to adventure were astonishingly great. These advantages would be lost by a foreign war, which would carry the capital out of the country, and enrich other powers at our expense. Our ministers should, therefore, be very careful how they encouraged Austria and Prussia to prosecute the present war, because it was impossible that those powers should be able to do so without our millions, which, once sent to Germany, would never find their way back to England. For these reasons he was strongly for adhering to the system of neutrality, hitherto observed by Great Britain. His voice was for peace abroad, and union at home; and for the attainment of these objects, he thought it would be sound policy in us to negociate with France. We were great, we were powerful: the French esteemed us, and consequently we might be sure that we should be able to negociate with effect. He had, with much care, drawn up two resolutions on two points, which he would strongly recommend to the serious consideration of their lordships. He had two objects in view; one was to save the life of an unfortunate and deserving

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prince, which he trusted might be attained, when it should be known in France, that it was the unanimous wish of all descriptions of men in England that he should not suffer; the other, to try if it was not possible to procure for the French refugees in this country some relief from the government of their own. Both objects he considered as attainable. With respect to the former, he meant that whoever should be sent to France by his majesty should be allowed all the means likely to render his mission successful; he meant, he should be empowered to employ all means short of war to save France, to save Europe, to save human nature from the disgrace of the act which all would deplore, and every one would wish to avert. With respect to the refugees, he declared he was influenced by no one motive that was personal to himself. He must, however, acknowledge, that himself and his family, in common with all Englishmen of any distinction had experienced at the hands of many of those unfortunate people the greatest kindness, attention, and hospitality; to the French clergy in particular they were greatly indebted on this head; for it was well known by all foreigners, that in France it was chiefly the clergy who did the honours of the nation. These worthy and hospitable men, driven from their houses, and from their property had claims upon the generosity of Englishmen, which had been most handsomely admitted, and which, he trusted, would continue to be admitted until such time as France should become more just to a most deserving body of subjects, or until England should have furnished them with the means of forming settlements in Canada, and of thus providing for their future support.—The noble marquis concluded by moving, 1. "That an humble address be presented to his majesty, praying that he may be graciously pleased to pursue such measures as in his wisdom he may deem meet, by sending a minister, or otherwise, to France, to represent his feelings for the unhappy situation of Louis 16th, and to use his best endeavours in exhorting them not to suffer any danger to arise to his person. 2. That an humble address be presented to his majesty, requesting that his majesty will be graciously pleased to take such measures as to his royal wisdom may seem meet, for conveying to the proper persons in France a representation of the deplorable state of such members of the French nation, as, on various accounts, have taken refuge in this country, and for engaging their compassion in favour of so many thousands of their countrymen, many of whom, unless some permanent measures be taken for their relief, must inevitably perish by famine; and for expressing his majesty's readiness to lend his royal assistance towards the accomplishment of so desirable an end, by granting them lands in the western parts of Canada, if it should be judged expedient to preclude them from returning to their native country."

The first motion being put,

Lord *Grenville* said, that though the noble marquis had taken such pains to render the wording of his resolution unobjectionable, he never in his life heard words that conveyed so much horror to his mind as those which he had adopted. The manner in which the unfortunate monarch in question was described, was precisely that which was used by those who were at present heaping upon that amiable prince every species of indignity. The only appellation they gave him was that of "Louis 16th."—an appellation purposely meant to point out the man as distinct from the kingly office and dignity, which they themselves had sworn to maintain to him and to his posterity. This was not the way in which England was accustomed to treat the sovereigns of Europe; and he trusted their lordships would have too much regard for their own honour and for that of their country, to adopt the language of men whose actions were calculated to inspire horror and detestation. The objection which he had to the wording went also to the form, without which a negociation could not be carried on. He would suppose for a moment, but merely for the sake of argument, for he considered the thing as really untrue, that it was possible to find an Englishman so lost to a sense of honour, virtue, and humanity, as to undertake to negociate with persons of this description. He would ask to whom he should address himself, with whom should he negociate, where should he find the persons on whom the fate of Louis 16th actually depends? He believed that any man who had attentively considered the fluctuation of affairs in France for some time past, would find it a very difficult matter to answer these questions. He had another substantial objection to the resolution, and that was, that, however guarded

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the noble marquis had been in framing it, he had contrived to make it amount, at least by implication, to a recognition of the government at present subsisting in that country. He, for one, would never consent that England should be the first nation in Europe to recognise a government so created, so established, and so constituted.—The noble marquis had said, that his object in making this motion was to try, if possible, to avert the dreadful fate hanging over an unfortunate prince; and that he hoped it might be accomplished, when it should be known in France, that the English nation unanimously wished that so foul a stain as the execution of that virtuous monarch should not disgrace human nature. If it was possible that the opinion of England on this point should have such weight on the present rulers in France as to make them, through respect for it, spare the life of a prince which they cannot destroy but in contempt of justice and humanity, that opinion was already known in Paris: it was well known there, that it was the opinion of every man of every station in Great Britain, and consequently there was not the least necessity for sending an ambassador to that city for the purpose of making known that sentiment of which no man in France was ignorant.—The noble marquis had communicated to the House an article of intelligence, of no small importance in the present state of public affairs, namely, that by a letter from Holland he had been informed that the Dutch did not consider the exclusive navigation of the Scheldt as a matter of sufficient consequence to warrant them in hazarding a war to maintain it; and that they had therefore resolved not to oppose the navigation of that river. It was not for him to say what foundation the correspondent of the noble marquis had for sending him such information; all he could say was, that he, one of his majesty's ministers, had received no such intelligence, and was a stranger to any such determination on the part of the Dutch. As little was it for him to look back a hundred years to consider whether it was sound policy to allow Holland the exclusive navigation of the Scheldt, or whether it was useful to her; all he had to consider was, that by a specific treaty she had reserved it to herself: that by a specific treaty we were pledged to guarantee it to her; and that should she call upon us for a specific performance of our engagements, we were bound by honour, good faith, and a regard to the general benefit of Europe, to fulfil with fidelity the sacred obligation which we had contracted, to prevent the opening of the Scheldt against the will of Holland. The noble marquis had thought proper also to make many observations respecting Prussia and Austria. What steps those two powers would deem it prudent to pursue, was not for any one but themselves to say; no doubt but they would be governed in the adoption of measures by a due regard to their own honour and safety, and the general security of Europe.—With respect to the French refugees who were the subject of the second resolution, he had to observe, that it was the peculiar distinction of England, that when they were driven from almost every other country in Europe, they had found an asylum here, and experienced the generosity and hospitality which were the pride and characteristics of Englishmen. He would never consent to forego that proud distinction, by sending an ambassador to France, to ask leave for England to be charitable and humane. He would not ask her leave for England to bestow upon these unfortunate men whatever, in their liberality, Englishmen should be disposed to give them. It would be a degrading step to England to send a minister for such purposes. The dignity of the country would be sullied if either of the measures proposed by the noble marquis were adopted, and therefore he was determined to give his negative to both.

The Duke of *Norfolk* admitted that there was ground for some of the objections urged by the noble secretary of state to the wording of the resolution. He thought, however, that if the substance should be deemed unobjectionable, the wording might be so altered, as to insure a general concurrence in favour of the measure proposed by the noble marquis. He felt that it was not decent that the unfortunate prince in question should be styled simply Louis 16th, but this difficulty might be easily removed either by the insertion of the words "the most Christian king" before the name, or by entering on the Journals a declaration that it was through compassion for the state of the most Christian king, that the resolution had been carried. The noble secretary of state had asked to whom an ambassador should address himself in France, and where he should find the persons on whom the fate of Louis 16th

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actually depended? The answer was pretty obvious; every one knew there was in Paris a minister for foreign affairs, to whom our ambassador would of course address himself, and who would communicate his dispatches and conferences to the executive council, or, if necessary, to the convention. His grace was of opinion, that a direct communication with the people in power in France might be productive of the most happy consequences: our ambassador might be able to press upon them, how injurious had been to England the precedent on which France seemed at present to be acting; what calamities it had brought upon her; and how soon she had been obliged to restore monarchy in order to put an end to anarchy at home. Reasoning by analogy, he might show that France would not only do a humane and a just act, in sparing the unfortunate king's life, but that it would be her interest to do it. Such a mode of proceeding could not hurt the pride or independence of France on one hand, or sink the dignity of England on the other; for as our ambassador would have nothing to ask for his own country, it would appear that his mission could have no other object than that of humanity; and there was reason to hope that so disinterested and so honourable an embassy, would be productive of that happy issue which every man in the nation most earnestly wished for.

The Marquis of *Lansdown* did not expect to have heard so much, and in such lofty terms, of the dignity of this country, and refusing to treat with other powers. The present instance recalled to his memory the proceedings of this country previous to the American war. The same abusive and degrading terms were applied to the Americans that were now used to the national convention—the same consequences might follow. As to Great Britain letting herself down by negociating with France, he could not see how such an expression applied, when we were asking nothing for ourselves by that negociation, nor supplicating them but for their own benefit. This opinion of dignity put him in mind of the old story of the Spanish grandee, who dismissed his servant because he touched him to save him from falling. As to the question of, Whom are we to negociate with? he thought it was of no consequence with whom, for if the end proposed by sending an ambassador was good and laudable, every means ought to be taken, and every person negociated with, that could obtain that end. As to the national convention, and those who composed it, he did not know that they were such characters as they had been called; he could not believe so, and as a gentleman and a foreigner he would not say so. Many of their decrees he deprecated, but many traits of nobleness of sentiment and character had appeared in their proceedings.

The Duke of *Norfolk*, perceiving by the disposition of the House, that the motion was likely to be rejected, requested that the noble marquis would rather consent to withdraw it, than run the risk of having it negatived. The consequence of its being negatived might be fatal to the unfortunate monarch whom they all wished to save.

The Marquis of Lansdown, in the full confidence that ministers would somehow or other make known to France the wishes of the House on this head, consented to withdraw the motion. He then moved his second resolution relative to the French emigrants. It was opposed by lord Loughborough, on the principle of its being impracticable: and by the duke of Norfolk, as interfering with the internal government of France. It was accordingly negatived.

Debate in the Lords on the Alien Bill.] The Alien Bill was read a second time.

Lord *Grenville* then moved, that it be committed to-morrow. His lordship said, that as the measures which the bill proposed to enact, were rather of a novel nature, the house would probably require some reasons from him to justify it. The law, he said, had always made a marked distinction between natural-born subjects and aliens; of the former the king was considered as the father; of the latter only the protector. The former owed a constant, the latter only a local and transitory allegiance to the crown, and, on this account, the situation of both was, in the eye of the law, extremely different. It appeared to be part of the prerogative of the crown to forbid foreigners to enter or reside within the realm. This might be collected from Magna Charta, in which it was stated, that foreign merchants should be allowed by the king to come into, and reside in England. This stipulation of so remote antiquity in favour of trade was the more honourable to our ancestors, as they had

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caused it to be inserted in the same charter which recognized and secured their own liberty. It was not to be doubted, that the crown possessed all the power with which this bill was to invest it; but it had been so seldom exercised, that doubt might exist about the means of exercising it at present; and it was not fit that in cases in which the safety of the country might be at stake, any doubts should be suffered to exist, by which that safety might be, in the smallest degree, endangered. His lordship repeated the observation which he had made in a former speech, that after almost all the other countries of Europe had, for various reasons, refused to afford the French refugees an asylum, they had found one in England. He had on this subject three questions to ask—would their lordships remove from that asylum those who had already found it? would they shut their doors against other unfortunate men, who might still come to seek refuge among them? would they suffer them, when here, to be precisely on the same footing with natural-born subjects of the king, with respect to privileges and rights? to the two first questions he was sure their lordships were prepared to give answers, and to say that the unfortunate foreigners already here, and those who might come after them, should not be disappointed in their hope of finding an asylum among them. With respect to the third question, they would certainly pause. The safety of the state was not to be sacrificed to hospitality; and whatever was necessary to that safety, was not to be blamed. Amongst the foreigners at present in England there were no doubt some of the most respectable and venerable characters, such as every well regulated society would be glad to receive into its bosom; but there were others of a very different description; some there had been, and some might still be here, who had signalized themselves in the commission of those atrocious murders, which could not be so much as mentioned without creating horror in every mind. These men were the more dangerous, as they felt all the influence of that fanaticism and of those principles, which made them think that they were earning for themselves the honour of being entitled to a place among the most renowned heroes of the world, by doing acts which placed them on a level with those monsters who had disgraced human nature. By whom paid, by whom they had been sent into England, and for what purpose, it was not difficult to conjecture. He did not mean to include indiscriminately the whole French nation in the class of murderers. God forbid that he should entertain so shocking an opinion of so considerable a portion of mankind as twenty-four millions of people. But this he might say, that when anarchy was substituted in the room of government in France, some men of the most abominable principles, had, in different parts of that country, worked themselves into situations of power, which they had abused to the eternal disgrace of humanity. People of that kind had been sent to England in the hope that they might be able to raise an insurrection, and overthrow the government. He then explained the several enacting clauses of the bill—that an account and description shall be taken at the several ports of all foreigners arriving in the kingdom; that foreigners shall not bring with them arms or ammunition; that they shall not depart from the place in which they first arrive, without a passport from the chief magistrate, or two justices of the peace, specifying the place they are going to; that on altering a passport, or obtaining it under a false name, they shall be banished the realm, and if they return, be transported for life; that the secretary of state may give any suspected alien in charge to one of his majesty's messengers, to be by him conducted out of the realm; that his majesty by proclamation, order in council, or sign manual, may direct all aliens who have arrived since January, 1792, other than merchants, and their menial servants, to reside in such districts as he shall think necessary for the public security; that such aliens shall give an account of their name and places of residence to the chief magistrate, or justice of the town or place; that they shall, within a limited time, give an account of all arms and ammunition in their possession, or kept by others for their use, and deliver up the same, except such as shall obtain a licence from the secretary of state. The act to continue in force until the 1st of January 1794, and from that time to the end of the then next session of parliament, and no longer.

The Duke of *Portland* approved of the bill, because he thought some measure of this sort necessary to quiet the alarm that had been excited in the minds of the people. It was not on account of any personal attachment to the present adminis-

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tration that he supported it. He could not forget the manner in which they came into power; he could not forget the many circumstances in their conduct by which, in his opinion, they had forfeited all title to the confidence of the nation. He could not forget that to their misconduct many of our present difficulties were owing. It was not in order to court popularity that he now came forward, but because he thought the bill would restore security and quiet to the minds of the people; and therefore it should have his hearty concurrence.

The Earl of *Lauderdale* said, that before such a measure was proposed, their lordships might have expected proofs of the danger to be laid on their table. On the mere assertion of ministers, however, he was ready to concur in the principle of the measure, agreeing with the noble duke, that an alarm having been excited in the minds of the people, no matter whether well or ill founded, great attention was due to quieting that alarm. To the clauses of the bill he had many objections, which he should state in the committee. The first description of emigrants mentioned by the noble lord were entitled to our utmost compassion, and even delicacy. Driven from other countries, they had come to this in hopes of being able to live in inoffensive retirement, and keep their names, their rank, and their misfortunes unknown to the world, till their native country should deem it safe to receive them. To oblige such persons to give a minute account of what they might have innocent, nay, laudable motives for wishing to conceal, would be in itself a great hardship.

The Marquis of *Lansdown* considered the bill as a suspension of the Habeas Corpus act, which, though it extended at first only to foreigners, would, he feared, be afterwards extended to all Englishmen. Such a measure as this was without a precedent, and evidence ought to have been laid upon the table to prove the existence of such a danger as would justify the remedy. At present the House had nothing to go upon but the bare assertion of the noble secretary of state; and in a case where the liberty of great numbers of persons would be placed at the mercy of the crown, it did not become the House to give their confidence to ministers merely on the credit of their own assertions.

Lord *Hawkesbury* admitted that the bill was without a precedent; but then it must be admitted to him, that the case was equally novel and unprecedented in the annals of this or any other country. As to the objection made by the noble marquis, that evidence of the danger ought to be laid upon the table, he would not allow it to be well founded, for the production of evidence might defeat in a great measure the good expected from the bill.

The Duke of *Leeds* said, that the bill had his most hearty concurrence. He lamented as much as any man, the melancholy situation of the royal family of France, and he pitied the distresses of the refugees; but still he would always be so much of an Englishman, as to believe it unlikely that a Frenchman should be a friend to England. He would make them experience all the warmth of British hospitality; but still he would look upon them with an eye of jealousy, and take care that they attempted nothing against the safety of this country.

Lord *Stormont* said, the bill was no more than a measure of self-defence. The disposition of those who exercised power in France might be learned from their own authentic acts. They formerly renounced conquests, but they also declared war against all kings. Under all the circumstances, there was cause for alarm. He should have thought the danger great had ministers been blind to it; but as they had seen it, and taken measures to prevent it, his alarm ceased.

The bill was ordered to be committed to morrow.

Dec. 22. Saturday. The order of the day being read for going into a committee on the Alien Bill,

Earl *Spencer*, in declaring that the bill met with his hearty concurrence and support, trusted, that noble lords with whom he had been in the habit of voting, would not impute his secession on this occasion to a dereliction of principle, or to a diminution of the respect he had for their virtues and abilities, but to a conviction, that the present awful and unprecedented crisis of affairs required extraordinary measures to allay the discontents of the people, and to counteract the machinations of our enemies. For these salutary purposes, he was of opinion that this bill was peculiarly adapted. He reminded ministers of the power it vested in them, and cautioned them against an abuse of

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that confidence which the nation reposed in them. While they were called upon to act with firmness and energy, they were equally called upon to act with temper and moderation.

Lord *Grenville* complimented the noble earl on his candour, and assured the House, that ministers were actuated solely by a sense of public duty in adopting this extraordinary measure.

The bill then went through the committee, in which several alterations were made.

Dec. 26. Lord Hawkesbury, in the absence of lord Grenville, moved the order of the day for the third reading of the Alien Bill.

The Earl of *Guilford* * said, their lordships might ask, why he opposed the third reading of a bill, to the principle of which he had not objected when it was read a second time? He had expected, that in the progress of the bill through the House, proofs of the necessity that called for it would be adduced. Long and habitual deference to the opinion of the noble duke who, when the grounds of the bill were opened, declared that he thought some such measure necessary, had induced him to acquiesce in that opinion, hoping that the bill would be so modified as to remove the most material part of his objections. In that hope he had been disappointed. He did not wish, that the bill should be rejected. He desired only that their lordships would take time to inquire into the causes alleged for so strong a measure, and endeavour to remove from it whatever should be found more rigorous than the occasion demanded. It was the boast of our constitution, that, to every man living under it, it extended the equal protection of the law. For violating this justly-boasted principle, they had as yet nothing of proof, nothing but ambiguous insinuations. It might have been expected, that of the insurrections alleged at the opening of the session, for assembling parliament in an extraordinary manner, some at least would have been proved to exist. Their lordships had been able to discover none; and of none had they yet been furnished with any thing that deserved the name of information. Was it consistent with their lordships dignity or justice to proceed on such unexplained, unsupported insinuations of danger, to deprive men who had thrown themselves on the hospitality of the country, of the ordinary protection of the law. He had the utmost respect for the veracity of the noble lord who opened the grounds of the bill; but it would be a dangerous precedent, indeed, for their lordships to take the individual veracity of any one of his majesty's ministers as a sufficient foundation for a public measure. What were their lordships going to do? On the mere pretence that there were foreign emissaries in this country, for the purpose of disseminating Jacobin principles—principles which he, for one, should never admit to have any connexion with republican principles; for robbery and murder, and every doctrine that led to them, republicans disclaimed—they were going to deliver up men who had sought refuge from persecution and oppression, to the sole discretion of the executive power. But the humanity of ministers, it was said, would be their protection. He would never consent to deliver up one man to the humanity of another. One of the extraordinary penalties of the bill was banishment. Would their lordships banish men who had been forced from their own country, and whom they were told no other country would receive? Where were these exiles to look for refuge? In Brabant they could not be safe. Were we sure that Holland would be more liberal than most of the other powers of Europe? The cruel imprisonment of La Fayette would warn them against approaching any country occupied by a German army. But it might be said, let them comply with the regulations of the bill, and then they would escape the penalty of banishment. Was the case so? Did not ministers, by the bill, reserve to themselves the power of sending any alien out of the kingdom, whom they might think fit to suspect? Such persons they were to send away in a manner suitable to their rank. Who were to be the judges of this, as well as of the suspicion in which they were so removed? Ministers or their agents. Their lordships had no security but in their moderation, and ought to take care that the country was not disgraced by the inhospitable transportation of persons who had thrown themselves on our hospitality. Ministers, it would be said, were responsible for their conduct, Responsible, indeed, in their characters and reputation;

* George Augustus North, third earl of Guilford.

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but, under the present bill, other responsibility, he maintained, they had none. After passing a bill, which suspended the ordinary laws of the land, on an alleged alarm of danger, could their lordships punish a minister, because his suspicions were more alive, and his alarm greater than their own. Yet this, in almost any possible abuse, would be his only crime. If, on due inquiry, they found some such bill necessary, let them next endeavour so to frame it, as to point only at the persons who were the real objects of it. He concluded with moving, "That the bill be read a third time on this day fortnight."

Lord *Hawkesbury* said, that to disclose the information required, might defeat the object of the bill. It was a measure called for by public necessity, and justified by the right of self-defence, which every nation was allowed to possess. Their lordships, in passing the bill, were only enabling the country to continue hospitality to persons whom other countries had thought it necessary, for their own safety, to exclude or remove. He contended, that without such precautions as the bill contained, there would be danger from the principles which those persons might propagate, and referred for the proof to the decrees of fraternity with the people of other countries, passed by the French convention.

The Earl of *Lauderdale* said, that he was willing, by any reasonable measure, to quiet the alarms in the minds of the people, alarms which, in his conscience, he believed industriously excited and kept up by ministers; but when he saw such a bill as this, a bill that altered the established laws, that even interfered with treaties, and all this to provide against the suspected intentions of about nineteen persons, he could not help thinking that it was part of a chain of measures, purposely calculated to excite alarm among the people, and by rousing their passions, to extinguish their reason. When he saw ministers pressing a measure, as essential to the safety of the country, which admitted of no defence on justice, but only on expediency, he could not help fearing that they meant to occupy the attention of parliament on another object, while they were going to force the country into a war. No man could talk of negociating to avert so great a calamity, without being accused of proposing an alliance with France, although no two things could be more distinct. That war might be averted he had no doubt. To negociate, it was said, would be to acknowledge the power with whom we negociated. If we admitted an explanation, which it would hardly be contended we ought not to admit, we as much acknowledged the power of those who offered it, as by sending an ambassador to negociate with them. When they considered the advantages we had derived, and might still derive, from a wise neutrality, he was confident that every man in this country would condemn our entering into a war, without first taking every practicable and honourable means to avoid it. The French had committed no invasion on our allies; and he sincerely believed they had not a plan which they might not be suffered to pursue, even with advantage to us, if we persevered in our neutrality.

The Earl of *Carlisle* said, that though not accustomed to agree with the present administration, yet he would support their measures in this instance. He had often thought a change of administration was the only thing that could be of essential service to the country; and his opinion was not altered; but at this juncture he was afraid that a change of administration might bring about a change of measures, and that, he thought, would be of very dangerous consequence. If there was to be a change of ministers, it might naturally be supposed that the first act of a new ministry would be to negociate with France, and that of all things was what he never wished to hear of, because it would only tend to strengthen our enemies, and could be of no use to ourselves. For these reasons he was disposed to give all the aid he could to the executive power.

The Marquis of *Lansdown* said, he was against this bill because he was persuaded there were no grounds whatever for it; and he was sure, had they any ground that they dare state, ministers would not venture upon a measure in direct violation of law, without producing that ground. He could not believe that, even if there were eighteen or twenty persons in the country of the description that had been alluded to, their influence was such as to induce ministers to infringe upon the laws of the country, by bringing in this bill merely on their account. He had no doubt but, if the bill passed, there might be twenty, thirty, or forty foolish

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and idle Frenchmen taken up; but that would not convince him of the necessity of such extraordinary measures as had lately been pursued. He wished to know on what grounds we were going to war? He had heard that it was the desire of the people of France to proceed any lengths to serve this country; and though they might perhaps refuse to abandon their project of opening the Scheldt, it was not to be doubted that they would be happy to give us every satisfactory explanation of the principles of their conduct. He considered this bill in no other light than a partial suspension of the Habeas Corpus act; and if ministers had any information of intrigues being formed in this country, between foreigners and persons of the country, they were extremely to blame for not suspending the Habeas Corpus act entirely. With regard to the suspension of that act, he would desire noble lords to look back to the rebellion in 1745, when, upon the 3rd of September the king had sent to acquaint the lord mayor of London that the Pretender's son had landed with a body of troops in Scotland, and that the country was in a state of rebellion. Notwithstanding this, he begged they might observe how ministers acted at that time. Did they summon parliament upon a thirteen days notice, and alarm the country? Certainly not. They stuck by old established constitutional rules, and the parliament did not meet till the 17th of October, and the next day the Habeas Corpus act was suspended for only six months; but the present administration despised such conduct, and, after having got parliament in some shape huddled together, they come forward to propose a suspension of the Habeas Corpus act for more than a year and a half. After all, the only clue to unravel the conduct of ministers was war; for war they certainly meant, and were determined upon. Every pretext had been suggested, and the balance of power, a mere paper balance, a balance of air and nothing more, was attempted to be revived. But were the people to be persuaded to go to war on this pretence? Or were they to be persuaded to it, on the principle of complying with a treaty for the sake of ratifying a treaty which was made a hundred and fifty years ago? Conscious that the subject would not bear examination, ministers had talked likewise of the security of Europe, but the security of Europe was as indefinite an expression as the rights of man. A court might use the one term with as much propriety, as a people might use the other. Neither of them had a precise meaning, and they might, with the same justice, be applied to answer any purpose whatever. If the empress of Russia was asked on what depended the security of Europe? she would reply, on the slavery of Poland; and every other power would answer that question with a reference to its own peculiar advantage. With regard to his conduct on this business, it might be imputed to principles inimical to the constitution of this country; but the fact was, that he admired the constitution of this country as much as any man. He admired it, however, not with a superstitious papistical admiration, but with the rational feelings of a protestant, who considered it as a well constructed machine calculated for the general good. The proclamations and associations in its defence he thought would operate to its prejudice. As for associations, he thought it better that associations against government should exist, than associations in its favour; because associations against government were under the control of government, and liable, if they committed illegal acts, to the punishment of the law; but associations in favour of government, were aided by it, and involving mobs in rash deeds, under the sanction of parliamentary approbation, no bounds were set to their possible ill consequences. For his own part, however freely he might speak on the subject, it was absurd to suppose that he could wish for republicanism, and that with considerable property at stake in this country, he could hazard its division. He had always aided the executive and legislative branches of the established form of government; and he spoke with freedom against the measures that were adopted, because he believed those measure to be wrong, and because he did not choose to be reproached when it should be too late, with not having, at the proper time, opposed the measures which had appeared pernicious. It was a pleasure to him to think, that however unpopular his conduct might prove, he had performed his duty, and that he had endeavoured to prevent the parliament and the people from being precipitated into an unnecessary war.

Lord *Loughborough* said, that the duty of a subject, his regard for the laws of the country, the obligations of religion, and

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the allegiance which he owed to the crown for the protection he received from it, called for his support to government on the present occasion. It had been objected, that this bill was a new and extraordinary measure. The principle was not new.—By the common law, aliens were here by the permission and protection of the king, which might be withdrawn. The bill was, indeed, an extraordinary measure; but was not the situation in which we stood equally so? There might be some cases bearing a little affinity to the present to be found in history, but none exactly parallel. The period which produced circumstances the most similar was the reign of queen Elizabeth. At that time the overgrown power of Philip 2d. agitated and alarmed every surrounding nation. Actuated not only by ambition, but by a religious fanaticism, intent upon the propagation of its own doctrines, its greatest efforts were exerted against this island. Money, forces, seditious writings, emissaries, were employed to excite plots in England, insurrections in Ireland, and attacks from Scotland, against the queen; but they were employed in vain, owing to the wise regulations adopted by that princess and her councils. At present a great and powerful people, actuated by a new fanaticism of infidelity, were endeavouring to propagate over all Europe, principles as inconsistent with all established governments as they were with the happiness of mankind. However extravagant their doctrines might be, they had indisputably made some proselytes in this country; and though the numbers were comparatively insignificant, they were stirring and active in their mischievous purposes, and confident of foreign aid. The proclamation which ministers issued during the last spring, had for a time the desired effect. Men, who before had been loud in their commendations of the measures of France, became more moderate and reserved; and in proportion as the success of the combined armies against France became more probable, that voice became still more faint. After the horrid massacres of the 10th of August and 2nd of September, all their partisans had abandoned them: the language then was, that after such flagitious conduct they could not find a friend in any quarter of the globe; but the moment the tide of war turned in favour of the French, that moment their partisans resumed their courage; sedition again broke out with increased force; and clubs and societies for spreading their doctrines were formed all over the kingdom. Embassys were sent to France to congratulate the National Assembly on their success, and even to promise the assistance of numbers here who would rise up in their cause, and who, in return, expected their fraternal aid to overturn this constitution. In France, anarchy and confusion triumphed over all order and regularity. They had long vilified and despised the Christian religion; but now, incredible as it might appear, public professions of Atheism had been made in full convention, and received with much applause; publicly was it declared, that there existed no God, and Atheism was the basis of their institutions. The sanctity of the seventh day they had very early abolished; and the relation of parent and child they had destroyed. Their false prophet had taught, that no honour was due to the parent, who in his turn might abandon the child. Robbery, murder, and licentiousness, not only went unpunished, but were encouraged as meritorious acts. False testimony was a proof of patriotism; and an universal breach of the tenth commandment was the first principle and foundation of their state. So entirely were all ideas of property subverted, that it had lately been publicly declared, that the farmer had only the possession of the corn he had reaped, but that the property was in the public, who had a right at discretion to take it from him.—It had been said, that the fears of ministers were all affected; that there was no foundation for the alarms which they had circulated. Ministers were tauntingly called upon for their proofs. Parliamentary scepticism might be allowed; but if any man out of the House were to advance such an opinion he would be laughed at. A proper sense of their danger had pervaded all ranks of men; and they had come forward as one man in defence of the common cause. A noble lord had spoken with contempt of the supposed number of French emissaries here, as being only eighteen or nineteen. He would wish to call to their lordships recollection, that in the disgraceful riots of 1780, the whole number originally concerned in that infamous proceeding, was not above three-score. When their lordships were informed, that in the shocking massacres in Paris of the 2nd and 3rd of September, there were not more than 200 persons employed, and that in a city con-

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taining more than 600,000 inhabitants, with 30,000 men under arms, their lordships would not think lightly of nineteen persons armed with daggers, under the cry of "No King". We might now have been in the like situation as we were in 1780, had not ministers timely prevented it by calling out the militia; and by making the military preparations which we all saw or heard of. Such measures, it might have been expected, would have restored complete tranquillity to this country, but it had done so only in part. It had been objected by a noble earl that the associations formed on the part of the friends of the constitution were improper; and that, too, when other associations were held, not to prevent sedition, but to increase it; not to prevent anarchy, but to create it; not to check the dissemination of libels, but to spread them abroad. Had the noble earl consulted the constitution, he would have found that all are bound to assist in putting the law in force, and in aiding and assisting the magistracy to do so. These associations go no farther. They are not only legal but highly meritorious, as tending to strengthen the hands of government, and, by keeping men upon their guard; to prevent the insidious designs of their enemies; they are for the preservation, and not for the destruction, of civil and religious liberty. But as these meetings were legal, he would state those which were not legal. It was a high breach of the law for any body of men to assemble, and insolently to publish resolutions declaratory of their disapprobation of the conduct of judges and juries. It was a daring violation of the law to assemble and publish opinions which militated against the express letter and spirit of an existing act of parliament. There were two classes of Frenchmen now in this country; one who came hither by necessity to take refuge; they should of course be treated with tenderness and humanity; another class who came hither for the purpose of doing all they could to create confusion; they were the proper objects of this bill. After observing that we should, in this case, give ministers all the power they asked, and the confidence which the Romans, in their freest state, gave to their consuls when they passed the decree "Caverent Consules ne quid detrimenti capiat Republica," his lordship came to the necessity of the present measure, on which, he observed, the following question would arise: "Can this measure be justified from the situation of this country at the present moment? He had no difficulty in answering in the affirmative; and to add, that he was of opinion, that the situation of the country was such as would have justified a stronger measure. He hoped that the people would join heart and hand in assisting the executive government. All parties should come forward and strengthen the arm of government as much as they could; they should bury all former differences and disputes, and unite in their efforts to preserve our glorious constitution.

The Earl of Guilford's motion was negatived without a division. After which, the Bill was read a third time and passed.

Debate in the Commons on the Army Estimates.] Dec. 24. The House being in a Committee of the whole House on the Army Estimates,

Mr. *Fox* said, that upon the principle on which he gave his vote for the naval service for the ensuing year, he should be ready to give his vote that night. The cases were not equally clear, however, in both instances. An augmentation of the army might be necessary on account of the internal state of the country; but if it was only upon the idea of internal commotions that this augmentation to the army was wanted, he ought in strictness to give it his negative, because he did not believe that any tumults or commotions were likely to happen. He begged to be understood as giving his vote upon the general posture of our affairs with reference to foreign powers, and which, in his opinion, was such as required strength on the part of the executive government. There were other points to which he wished to call the attention of the committee, because he thought them highly important to the military service, and interesting to the community at large. He knew very well that it was the prerogative of the crown to judge of the propriety of making any appointments in the army; but that, like every other prerogative of the crown, was given to the crown for the benefit of the people; and therefore the exercise of it should be examined by that House, when they were voting away the money of the people. The subject to which he wished to call the attention of the committee was this. He had no positive knowledge upon the subject; but he had heard from general report, that several officers of high rank, and, he be-

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lieved, of acknowledged military merit, as well as exemplary conduct and unblemished character, had been dismissed the service. One of them was a man with whom he was related in blood, but with whom, on account of his virtues, he was still more intimately connected in friendship. He meant lord Edward Fitzgerald. Another noble lord's case was to be noticed. Of this nobleman he knew nothing but by report, which certainly was in his favour; the lord Sempill. These two officers had been discharged from the service. He did not know the grounds upon which they had been dismissed; but he had heard it was for entering into a subscription for the purpose of supporting the French against the combined armies. Now, whether that subscription was a right or a wrong measure in itself, was a question which it did not belong to that House to canvass, unless there was some motion specifically to that effect before them; but of this he was sure, it was a measure that was at all events legal, and might be infinitely meritorious. Nor was it without a precedent. When Corsica was about to become subject to the dominion of France, there was a general subscription in this country to assist the Corsicans. There was last summer a general subscription to assist Poland, against the infamous opppression of Russia. He did not think that any blame was to be attached to that act; the first municipal officer in the kingdom commenced it, and much to the honour of the people of this country it became very general. With respect to France, individuals had the same right to subscribe as we had with regard to Poland; for France at that time was in a state of perfect neutrality with regard to us; so all Europe was informed, by his majesty's commands to lord Gower when he was recalled from Paris, and therefore it was not criminal in any individual to assist the French. If it was not criminal in any individual to assist the French, it could not be so in any of his majesty's officers. If they did their duty as soldiers, they were not to relinquish any of their civil rights. Whatever, therefore, ministers might think, they should not have dismissed these noblemen from the service. There was nothing that could be done with innocence and propriety by any one of his majesty's subjects, that might not be done with equal innocence and propriety by any one of the officers in his majesty's service. These were points that were not to be carelessly overlooked, because the whole safety of the service might depend upon them; for while it was thought necessary that we should have a military establishment annually, by passing our mutiny bill, it was necessary that the officers we had should be men connected with the great landed interest of this country. That was one great security we had for their attachment to the constitution, and the fidelity of their conduct. But should it ever be generally understood, and adopted into practice, that in every difference of opinion between the king's ministers and the king's officers, the latter were to be subject to the caprice of the former, and that an officer, the moment he entered the service, became a mere soldier, without any civil rights, that was to say, a mere military machine, with none but military views—a soldier who had forgot that he was a citizen—there was an end at once of all the honour and all the glory which had hitherto belonged to the military service. But there was a third case still more remarkable; he meant the case of captain Gawler. He said, it was against all the principles of military discipline to dismiss an officer for refusing to erase his name from the Society for Constitutional Information. It was laying a foundation for political disputes between officers in the army, and afterwards determining them by a reference to the caprice of ministers. This was a practice very much to be avoided indeed, or it might be the death of the service. Why were not these points brought forward before a court-martial? He stated these things, because he thought them subjects of grievance to the service, and that they would be finally detrimental to the interests of the people.

The *Secretary at War* thanked Mr. Fox for the candid manner in which he had admitted the prerogative of the crown. The right the crown had of dismissing any of its officers, without assigning a reason for it, was a right that was not doubted. As to the court martial to which the right hon. gentleman had alluded, he allowed that the noble lords, and the other honourable officer, were certainly liable to a court martial; but it did not from thence by any means follow that they should not be dismissed without a court martial, if his majesty should be pleased to order it so.

Mr. *Fox* admitted the prerogative of the king, but he must again maintain that

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it was a prerogative, the exercise of which it was the duty of that House to examine. With respect to the conduct of captain Gawler, in refusing to erase his name from the society alluded to, in compliance with the imperious orders of a number of officers, all of whom were inferior to himself, except one of them, he must say, that to make such a circumstance the foundation of dismission was against all the principles of military distinctions, against the principles of justice, and highly injurious to the service, When he saw a meritorious gentleman dismissed the service in this way, without a reason, it gave him great concern. He said again, this gentleman ought to have had a court martial; but although ministers had not assigned a reason for dismissing these officers, he would venture to say what were not the reasons for dismissing this gentleman. They did not dismiss them for want of an honourable character. No! caprice, founded upon political topics, was the sole reason. With regard to lord Edward Fitzgerald, his abilities and courage have been tried; and he had acquitted himself to his honour, and to the satisfaction of the public, and of his most sanguine friends. Captain Gawler, too, had more than once signalised himself in the service.

Mr. *Burke* entered into the nature of the king's prerogative to dismiss any of his officers without assigning a reason for it. It was a power wisely given to his majesty by the constitution, and was not to be called in question. He admitted the exercise of it might be abused, and when that was the case, that House ought to interfere; but he did not think it so in the present instance. He took notice of what Mr. Fox had said with respect to "the probability of a war with a foreign power, in which case we should be armed." Here he agreed with Mr. Fox; but with respect to the other part, where he said he thought "we might build on tranquillity at home," he differed from him widely, and observed, that he never knew an armament that was not applicable to both. He thought the conduct of these officers highly improper and unconstitutional; for so appeared to him the raising of money by individuals, without the direction or consent of the king, and without the interference of parliament, and to support a war against a power with whom we were actually in alliance. So forcibly did these points strike him, that, when he was applied to for a subscription for Poland, he confessed that his heart was engaged in her favour; every thing that could move his affections pleaded in favour of Poland; but doubting so much on the point of propriety, he hesitated, and finally declined subscribing. He took notice of the case of captain Gawler. He belonged to a society, called a Society for Constitutional Information: there was no imputation upon captain Gawler for being a member of this society at first, because the professions of its founders were harmless; but it had long since changed its original character, and now its members held open correspondence with certain societies in France, for the express purpose of altering the constitution of this country; citizen Joel Barlow, citizen John Adams, and citizen Frost, were engaged in this correspondence. He saw no reason why one of his majesty's officers should object to erasing his name from such a society. Upon all these considerations, he was not ready to blame government for what they had done. He thought that government should judge of the conduct of its military officers by its own discretion, in the same way as a jury judged of the tendency of a seditious libel: just as a jury decided in the case of libels, so should the crown of the conduct of its officers.

Here the conversation dropped.

Debate in the Commons on the Alien Bill.] Dec. 28. On the order of the day for the second reading of the Alien Bill,

Mr. Secretary *Dundas* rose to state the objects of it. He observed, that so very great and extraordinary an influx of foreigners into this country must, at any time, have called for the attention of government, and rendered some measures on their part necessary. That attention was still more requisite, and the necessity of adopting some particular measures was still more urgent, when it was considered that this influx of foreigners had come from a country which had lately been the scene of very extraordinary transactions; where their constitution had been overthrown, and acts of the most dreadful enormity had been perpetrated. In these transactions a very great number of the people, either from compulsion or inclination, had taken an active part. It was likewise to be considered, that the revolution which had been brought about was not confined to the country where it had

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first originated, that it affected the whole of Europe, and was connected with principles which were directed against every government. It became, then, a matter of serious attention, if the foreigners who had come into this country were influenced by those principles; and it was his duty not to conceal from the House, that many of those who had fled from their own country had been engaged in those very transactions of cruelty and outrage which, he was confident, no one would defend. And this was not all: it became matter of still more serious consideration, since there had been found men in this country so infatuated as to adopt those very principles which, in the country where they originated, had overthrown the constitution, and which were inimical to every government. There existed likewise those, in the acting government of that neighbouring country, who encouraged the addresses of the discontented and disaffected in this against our constitution, and who published decrees tending to favour their views, and flatter them with hopes of support. When he had stated these circumstances, he trusted that it would not be thought that there was not sufficient ground for some degree of caution in the present moment. If it was allowed that there was ground for some measures to be taken, it would then only remain to be determined how far the proposed measures were too strong or too excessive. — He then briefly stated the several clauses of the bill. It was intended in the first instance, to make all foreigners, arriving in the kingdom, give an account of themselves; to make them give up such arms as they might have in their possession; he did not mean such arms as were natural for gentlemen to wear, but such as might naturally excite suspicion against the owners. It was also intended, that, in their several removals through the country, they should use passports, by which their actual residence or occasional movements, might be notorious. For the same reason it was also intended to distribute those who received support into certain districts, where also they would be more liable to the cognizance of the civil power. Finally, it was proposed to pay particular attention to those foreigners who have come within the present year, or who may hereafter come without obvious reasons, and thus be rendered more liable to suspicion. He then entered into a detail of the particular regulations of the bill, which he hoped would, in the present circumstances, be considered necessary to the safety of the state, and not giving a power to the executive government greater than the occasion justified. He had only one circumstance more to mention. If he was called upon to state the grounds upon which he had founded his allegations, he would decline entering into any detail, and appeal to the general sense of the House to determine how far they were well founded. As this bill was grounded on suspicion, and authorized the executive government to act upon that principle, it would be impossible, with any degree of propriety, to lay open the particular sources of information.

Sir *Gilbert Elliot* said, that it was always with extreme reluctance that he rose to speak, from a consciousness of his own incapacity to claim the attention of that House. The reluctance, however, which he now particularly felt, arose from a different cause—a cause, namely, a difference of opinion between himself and some honourable friends whom he highly respected and esteemed. This difference of opinion, he trusted, however, would not affect their private friendship, which, he hoped, would ever remain unaltered. This sentiment he was more particularly led to express, as he had received distinguished marks of friendship from one right hon. gentleman (Mr. Fox), with whom he was now compelled to express his difference in opinion. On this occasion he felt himself prompted by duty to declare, that since the close of last session he had felt much regret from what had been said by that right hon. gentleman. The views which he entertained of the present situation of affairs were not only widely different from his own, but the means which he proposed to be pursued for the public welfare were such as appeared to him to be even of an opposite tendency. This difference of opinion was not respecting a particular measure, so as to afford him a hope that they might again reconcile their difference of sentiment, and be able to act together —it was a difference of such a nature as to affect their whole turn of thinking, and rendered their views respecting the mode of conduct which ought to be adopted in the present crisis diametrically opposite. He considered it as the duty of every man to stand forward in support of his majesty's government, and thus to

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maintain the constitution, and to save the country. This difference of sentiment he should have felt still more painful, if, in avowing it, he had been compelled to stand alone. He trusted, however, that his sense of duty, and his regard for the public welfare, would have enabled him even to stand alone upon such an occasion, and would have supported him under all the uneasiness of such a situation; but he was happy he did not stand alone. He spoke the same sentiments with many other honourable friends with whom he had been accustomed to act, and who still continued to act, upon their ancient principles, and under their ancient leader (the duke of Portland)—that illustrious personage whose character was so highly respected, and whose sentiments could never fail to have the greatest weight.—The present bill met with his hearty and entire approbation, not on account of any particular facts which had been alleged, but on account of the general situation of the country. He considered it as an accession of power to the crown, which was justified by the existing circumstances. It was, in his opinion, the character of a free government to grant extraordinary power in extraordinary emergencies. If this extraordinary power was at all times to be possessed by the crown, its power would be too great for a free government; and if it was not to be granted when it was necessary, its power would be too small.

Mr. *Fox* said, that in whatever political difference of opinion he felt himself with reference to his friends, he would venture to say, that in all discussions of such opinions he had never suffered the political difference to interfere with his private friendships; yet he did feel some reason to complain, that all the private friendship and esteem professed for him by the hon. baronet should not have induced the hon. baronet to state to him such political difference of opinion as he now said had existed so long, or that this should be the first occasion he had to suspect the least difference of opinion between the hon. baronet and himself. The hon. baronet now said, that so long ago as the last session of parliament he had reason to differ in opinion from him, and now declared a general disapprobation of his political conduct. Till now he had never understood that there was, among those with whom he had been accustomed to act, a general difference of opinion from him, and a disposition to support the present administration. He would call no man to account for his conduct; but he would say, that they had given him the most distinct assurances that there was nothing which made them more unwilling than they were formerly; that they had expressed no disinclination to follow the same plan they had before adopted. He had indeed, on the first day of the session, seen gentlemen go out into the lobby whom he could have wished to have staid in the House; he had heard an hon. friend of his (Mr. Windham) speak with that powerful eloquence which always distinguished him, against what appeared to him to be the right and just course of proceeding, and he had heard him with pain; but he saw no such difference of opinion as made it impossible for those gentlemen, or his hon. friend, to preserve that connexion in which they had acted so long.—With respect to himself, all he could say was, that he was as much devoted to that connexion as any gentleman in that House; as any man of honourable and independent feelings could be. He said also, it was the pride of his heart to think, that the union and exertions of that connexion had kept alive every thing that deserved the name of the spirit of liberty in this country. He wished not to call to mind particular expressions; but he could not but recollect, that the difference between those with whom he had acted, and the present ministry, was formerly called fundamental and irreconcileable; and he did believe that this sentiment did still pervade the majority of them. Whether his opinion was or was not consonant with the opinion of that majority he did not know: but this he knew, that the cause of his country would not suffer him to say he could support an administration which stood upon the grounds of the present, upon grounds not warranted by the constitution. He had heard in this and other places, that the present administration ought to be systematically supported at all events in the present situation of affairs. He blamed not those who said so; but, with regard to himself and those who entertained that opinion, union and co-operation were at an end. He had not heard the hon. baronet say so much; for he was sure, that if the hon. baronet had done so, he could not have added that he concurred in sentiment with the illustrious characters to whom he had alluded. The hon. baronet had alluded to a noble person (the duke of Portland) so much esteemed

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by him, that he could not express what he felt in speaking of him; a nobleman with whom he had lived seventeen years on terms of friendship, and for ten of those seventeen had been in habits of the greatest intimacy and affection; and he would venture to say that he esteemed him at least as much as the hon. baronet. He could not bring himself to believe that that nobleman entertained the opinion professed by the hon. baronet; for he had heard that that nobleman, in giving his support to the present bill, had expressly declared that he could not forget the manner in which the present administration came into power, and that great part of the difficulties in which the country was now involved was owing to their misconduct. He therefore believed that no essential difference existed between that noble person and himself.—If differences did arise from doubts that were entertained, he asked only for a fair discussion, that it might be distinctly known wherein it was they differed. He firmly believed, that on all the principles of liberty, they not only agreed in motives but in actions; that they agreed in every thing except the bill. He disapproved of this bill, and they approved—which was all the difference of which he knew. But as to other differences (and he was conscious of no other), that subject must be farther discussed, and better understood between them. He had long acted, and he wished to continue to act, with characters whom he esteemed and loved; but if he should be driven, which God forbid! to the situation of acting without, or even against those characters, he hoped and trusted he should have sense enough to discern his duty, and fortitude to perform it. Painful as such a separation would be to him, and requiring as it would do his utmost fortitude to bear, he must then consider whether he should act alone, or not act at all. He trusted, however, he should act according to his own sense of duty, if he was compelled to do the one or the other. If, on the other hand, the difference on the present bill should be the only material difference between them, they might still act in conjunction, as they had formerly done, and he hoped that all attempts, to magnify accidental differences, while they agreed on one general principle, would fail of their effect. There were other persons from whom he expected an entire difference on certain questions, and he had not been deceived. The right hon. gentleman (Mr. Burke), who had condemned his former friends to banishment in Sinope, it might have been expected, considering the desolateness and sterility of the land, would have paused, would have thought that a sufficient punishment: but he had not done so. All that he could say was, that nothing should be wanting on his part, nothing that was yielding or complying, nothing that was conciliating or friendly, no submission that friendship and old habits of intimacy could suggest, that he should not be ready to enter into, if, in his opinion, it could operate for the public good. Upon the present bill, as nothing had been alleged that could justify the principle, which he had no hope of opposing with success, and as it contained many provisions that could be better debated in a committee than in any other stage, he should reserve what he had to say until it came to that stage.

Mr. *Burke* said, that although party connexions were extremely proper for mutual arrangement in private, and convenience of public business, they were seldom fit to become the subject of public debate. No man was more unfit than he was to enter into any discussion of the state of parties. To talk of parties was, he remarked, a matter of particular delicacy, as the confidence of private friendship was often so much intermixed with public duty, that the transaction of parties required a sort of sanctity which precluded any disclosure. This delicacy was particularly increased, when friends, who loved and esteemed one another, were compelled, in consequence of a difference of opinion, to pull different ways and felt all the distraction natural to virtuous minds in such a situation. If he might be allowed to talk of himself, he might state, that ever since he came into parliament, his doors had been open to all; none had been refused admittance, though the practice had been attended with much inconvenience to himself. To the allusion about Sinope, he had nothing to answer. The phalanx had sent him, not to Sinope, but in the common phrase, to Coventry. What endeavours had been used to make him odious to the public, and to his private friends, all the world knew. Yet this Sinopian, this dog of Athens, had not barked from his tub. He had violated no principle, he had betrayed no secret, he had not attempted to come between the resolution and the act; and farther he had not to say. With regard

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to the noble person (the duke of Portland), in whom the public had a great interest, he should say nothing of his just character. The right hon. gentleman said he had known him for sixteen years: he had known him for twenty-seven; and if, for obvious reasons, they had not lately acted much together, he could say, that their friendship, if not improved, was not impaired. The public had a very great interest in the character of that noble person; his public virtues, the moderation of his sentiments, and the temperance of his private life, had made an impression which would not easily be obliterated.

To the right hon. gentleman (Mr. Fox) he owed much for instruction, for improvement, and example; but the moment he saw him countenancing the proceedings in France, and approving their principles, no public connexion could subsist between them, because they differed systematically and fundamentally. He must say, that any person who had seen the French business in the bud, and who now saw it full blown and nurtured, and yet still wished to maintain any connexion between France and this country, must, in every respect, meet with his entire disapprobation. On the present occasion, those who wished to support government, must support it systematically. If it should be requisite to carry on a war, where could a systematical support be more necessary? War was itself a system, and for his part he had made up his mind not to give to ministers a layer of support and a layer of opposition, but to support them systematically. Any other support would be treacherous, as it would only be given to a particular measure by those who, at the same time, were endeavouring to undermine the general credit and character of ministry. If the present state of affairs was such as to threaten not only this country but Europe, with most serious dangers, it was necessary, in order to avert those dangers, to adopt a system. The present bill was itself a strong proof of such a state of affairs, as it originated from circumstances which rendered it necessary to give additional power to the executive government. The strong measure which ministers had been obliged to adopt sufficiently proved the exigence of the crisis; and the bill itself formed part of a systematical support. For his part, he gave credit to ministers for not meaning to betray their master, for not joining with foreign and domestic factions to subvert the constitution. He gave them credit for knowing more facts, from the opportunities afforded by their official situation, than those who had not the same advantage; and therefore he believed, that in the information which they had given of the danger of the country, they had not put upon the House a designed imposition. He would not say that he could not find other ministers more agreeable to his inclination: he should wish to see that noble personage whom he had mentioned occupy a distinguished situation in the ministry; but he doubted whether any minister could be found more in the confidence of the crown; which, in the present moment, he considered as a very material point. In a time of war, it was likewise very necessary that ministers should be supported by the House of Commons, and possess the confidence of the people; two advantages which the present ministry enjoyed in a very eminent degree. In speaking of the necessity of pursuing a system upon the present occasion, he would remark, that no country had ever acted so much upon a system as that which we were now called upon to oppose. He would hear speak of two great characters, both of the most distinguished abilities, one of whom (Mr. Fox), as having been twice secretary of state for foreign affairs, had a claim to the character of a statesman, and would certainly have proved himself a great one, even if he had never been placed in any official situation. The subject upon which that right hon. gentleman had said much, was France, which had lately appeared in a new and dangerous light; and on this subject he had certainly made use of a language very different from the policy of our forefathers. France had always been considered as the natural enemy of this country; it was the only nation from which we had any thing to fear, and in this point of view was always to be considered as an object of jealousy and precaution. It was the former policy of this country to maintain a balance of power in opposition to France. With this view it was that they made the old alliance with the House of Burgundy, to which formerly belonged the seventeen provinces which at present form the republic of the United provinces, and the Austrian Netherlands. With these provinces, in whatever hands they were, it had been invariably the policy of England to be con-

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nected, as furnishing the means of an effectual resistance to the power of France; and for this reason we had always made it a point to prevent even the emperor to dispose of such of them as belonged to him to any other state. Since the extinction of the House of Burgundy in the male line, and the dismemberment of its possessions, the House of Austria had always been considered as the natural ally of England, because it was the only one capable of making head against the enormous power of France. During the reign of Joseph 2nd, whose unaccountable disposition was not favourable to England, an alliance was formed with Prussia.

How much, then, must he be surprised, when he heard a great statesman declare, that he rejoiced in the defeat of the emperor and the king of Prussia—the emperor, the ally of this country—the king of Prussia, connected with it by marriage and by treaty. This, indeed, was a total deviation from the policy of our ancestors—nay, when this great statesman required ministers to interfere to prevent the duke of Brunswick from entering France, and to join with our natural enemies against our allies and friends. There never were more solid, more substantial, more convincing reasons given for attacking any country, than those given in the manifesto which preceded the attack of the combined armies. The battle of Jemappe the right hon. gentleman had styled "a glorious victory"—that victory by which France had become mistress of Holland! by which she had obtained possession of the Scheldt, which might now be the occasion of going to war! this glorious victory, in his opinion, was a calamitous defeat to this country. And why was all this exultation expressed? Because those, truly, who were combined against France were despots, and because France itself was a republic. It was indeed a new language, to call the friends and allies of this country despots. But here he begged leave to tell a short story: A very singular parrot was brought to prince Maurice, which had acquired the gift of language. The prince asked where it lived—it mentioned the place. What was its business—it replied, to call together the chickens, and I do it very well—chuck, chuck, chuck (imitating the cry employed to call chickens.) Now, he must own he considered the parrot that could call together the chickens, as a much greater statesman than the parrot that could only call out, fool, cuckold, and knave. As to the rejoicing at the success of the French republic, the liberty with which it was attended afforded certainly no great ground for exultation. It was a liberty without property, without honour, without morals, without order, without government, without security of life. In order to gain liberty they had forfeited order, and had thus forfeited every degree of freedom. They had violated the law of nations by a decree, declaring war against all governments, and forcing those countries, into which their armies should enter, to form a constitution similar to their own. In talking of the English nation, they talked of the sovereignty of the people: the constitution of this country knew no such sovereignty; the king was sovereign of the Lords and of the Commons; the King, Lords, and Commons, were the representatives of the country at home; the king was its only representative abroad. They talked of the nation; we knew of no nation as a distinct body from the representative powers. We talked indeed of the people, but the sovereignty of the people was a phrase not recognised by law, and inconsistent with our constitution.

Mr. Burke then animadverted at some length on the decree made by the National Convention upon the report of M. Cambon. The decree was preceded by a curious declaration. "The National Convention, after having heard the report of the united committees of finance, war, and diplomacy, faithful to the principles of the sovereignty of the people, which will not permit them to acknowledge any institution derogatory from it," &c.—Here, Mr. Burke insisted, was a direct denunciation of war against Great Britain. The National Convention will not acknowledge any institution derogatory from the sovereignty of the people. The decree contained twelve articles, the first evinced the intentions of the National Convention, "to abolish all taxes, nobility, and every privilege; to declare to the inhabitants of all countries, that they bring with them peace, succour, fraternity." The system of fraternizing was to be propagated by the sword, and if any nation wished to adhere to its old maxims, these regenerators were to cram this fraternity down their throats, and to force them to swallow the dose, however nauseous it might be to them. The fourth article authorized the

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republic to seize all goods belonging to the treasury, the prince, his favourers, adherents, or satellites. A pretty ample word of confiscation the last was! The sixth article appointed commissioners to fraternize the conquered nation. The seventh provided for the payment of the expenses incurred by the republic, in giving fraternity to any nation. This sufficiently evinced the resolution of the French not to fraternize mankind gratis. Under the pretext of giving full liberty to those people, they sent their commissioners to take care that the decree should be fulfilled; and authorized the levying of contributions, in order to defray their own expenses; thus exhibiting a more arbitrary and oppressive conduct, even than those whom they affected to call despots, who had on several occasions respected the constitution of those cities which they had invaded, and who had left the different classes of citizens in possession of their privileges.

But he should now read to the House a paper in which this country was still more deeply interested. Mr. Burke then proceeded to read a translation of the report of the French minister, on the situation of France with respect to England. Upon that passage which mentions the reciprocity of good dispositions between the people of the two nations, he remarked that this was a serious fact which deserved to be attended to. This report, he observed, mentions agents not acknowledged by the court, whom they kept in England: there was one minister whom he knew, M. Chauvelin, who had been minister from the king of France, but who consequently was not now acknowledged. With respect to the ministers having had communications with any such agents, it might be necessary, from political causes, for ministers to have communications with the worst characters; but surely that these agents were numerous, was matter of serious alarm, as long as the nature of their mission, and the purposes for which they were employed, remained unknown. What answer does the French minister give to the arguments employed by our court against the opening of the Scheldt? Their answer is founded on the rights of nature and on the principles of justice and liberty, which the French nation have consecrated: the only consecration, he remarked, which they had made. When our ministers alleged the positive engagements of treaty, it was replied, that treaties extorted by avarice and consented to by despotism, were no longer binding. So, by this means, they got rid of the law of nations, and the obligation of treaties. On the passage which relates to their intention of making a solemn appeal to the English nation, he remarked that they passed by the king, the only representative which this country knew in its transactions with foreign powers. This was exactly conformable to the spirit of their decree of the 19th of December, which had a direct tendency to excite rebellion among the subjects of every government. The conduct of the French, he remarked, in levying contributions on those people whom they had deprived of all their privileges, under pretext of defraying their own expenses, resembled that of an attorney who should bring in a bill of costs after he had stripped his client of all his property. From this account of expenses, he trusted they would deduct the thousand pair of shoes which had been sent them from England as a first subsidy, from those who wished to adopt their constitution in this country. The French when they were slaves had wooden shoes—now that they were free they had no shoes at all. The liberality of their English friends however promised to supply the defect. He defied any one to mention instances of such excesses under any despotism in so short a space of time, as had taken place under this new government of French freedom. During thirty years of the reign of the empress of Russia, there had not been committed so many cruelties as had been perpetrated in France within one week. No such instances of arbitrary imprisonment had occurred under the reign of the king of Prussia, as might be found in the transactions of every French municipality. Every man's house was his bastile, and nothing in the old government could be found to equal the atrocity of those proceedings, which had taken place under the sanction of the new government of French freedom.

Mr. Burke next adverted to the system of atheism, as now avowed in France. To prove this he quoted several passages from a speech of one Jacob Dupont, to the National Convention, in which he denied the existence of a God, and declared that the people would never be thoroughly ripe for the "holy doctrine of insurrection and opposition to tyranny, if in the primary schools the rising generation

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should be taught any thing about God. He concluded, that the Christian religion being a monarchical one, preaching subjection and obedience to God, ought not to be suffered in a republic; and that all the altars raised to religion, and to the Almighty, ought to be overturned, and none suffered to exist in France, but the sacred altar of liberty." Some murmurs being heard in the assembly, on account of this abominable doctrine, they were drowned by the loud applauses of the majority of the members. This daring man observed, that some people might imagine that a priest was useful to a man in his last moments; this however he denied; and to such he pointed out the example of Condorcet closing the eyes of d'Alembert; in other words, one atheist closing the eyes of another. He said that the brave Marseillois would not have been so well qualified for the glorious deeds of the 10th of August, if they had had the weakness to believe in the existence of a God. The man who had uttered these blasphemies, so far from having been disavowed by the assembly, was appointed one of a committee instituted for the purpose of drawing up a plan of national education; and the only difference of opinion among the members was, which plan would be most economical, that which proscribed the existence of a God, or that which admitted it. Mr. Burke described the benefits which society in general derived from the morality founded upon the belief of the existence of a God, and the comforts which individuals felt in leaving this world, in the hope of enjoying happiness in the next. He mentioned the church of St. Genevieve at Paris, one of the finest buildings in the world, which was now called the French Pantheon, because all the statutes of the ancient gods and heroes of antiquity were to be taken from Rome, and deposited in that famous temple; there strangers from all quarters were to be instructed in the best mode of destroying the government and religion of their respective countries; there they were to be taught how to lead men on imperceptibly from crime to crime, from murder to murder. The philosophers of old used to apply the origin of every thing to God—*à Jove principium.* But the modern French philosophers would begin by saying, that every thing had been made by nothing; and that the idea of a God was weak, childish, and absurd, and unbecoming a true republican. The trees of liberty were to be the only altars before which the nations were to kneel.

"And all about old stockes and stubs of trees
Whereon nor fruit nor leaf was ever seen,
Did hang upon the ragged rocky knees,
On which had many wretches hanged beene,
Whose carcases were scattered on the greene,
And throwne about the cliffs.

These trees of liberty, he doubted not, would soon be without fruit or leaf; and it would be said, that on them "Had many wretches hanged beene." Thus after having brought so many calamities on individuals, they wished to deprive them of their last consolation; they wished to deprive the pious and penitent of their sole refuge, and, if possible, to extinguish the idea, that there is a God who will punish tyrants and oppressors, and who will reward and comfort suffering virtue. Thus, after having made men miserable in life, they wished also to make them despair in death, and consign them to all the horrors of a gloomy annihilation. Such were the principles upon which they were to form their youth, and train them to the commission of crimes, by taking away from them the salutary restraints of religion! For his part, he was determined to wage eternal war with such abominable principles, which would drive morality out of the world, and cut asunder the bonds which unite man to man, and the creature to his Creator.

Adverting, lastly, to the bill immediately before the House, he said, he would give it his most cordial support, as being calculated to keep out of England those murderous atheists, who would pull down church and state; religion and God; morality and happiness. The extraordinary power which it would give ministers was necessary, and even proved that the people who gave it were free; for if the crown possessed such power in time of peace, it would be too great for liberty; and if they had not more in time of war than was necessary in time of peace, they would not have enough for the public safety. Where the crown had its power enlarged or diminished by the people, according to times and circumstances, there the people could not be justly said to live under despotism, but to be perfectly free. It had been said, on a former occasion, that there were only nineteen persons at present in the kingdom likely to be affected by the bill; but when it was considered that they were murderers and atheists, the number might be said to be very great;

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they exceeded by many the whole of the royal family, whom they might perhaps be commissioned to murder. Besides, they might take apprentices to the trade of blood; and then God only could tell where their numbers would end! The persons by whom so many murders had been committed in France never exceeded two hundred; though their assistants and abettors amounted to many thousands; but those believed that there was no God; and therefore people ought not to be at their ease because we had at present only nineteen of them among us. He mentioned the circumstance of three thousand daggers having been bespoke at Birmingham by an Englishman, of which seventy had been delivered. It was not ascertained how many of these were to be exported, and how many were intended for home consumption [Here Mr. Burke drew out a dagger which he had kept concealed, and with much vehemence of action threw it on the floor.] This, said he, pointing to the dagger, is what you are to gain by an alliance with France: wherever their principles are introduced, their practice must follow. You must guard against their principles; you must proscribe their persons. He then held the dagger up to public view, which he said never could have been intended for fair and open war, but solely for murderous purposes. It is my object, said he, to keep the French infection from this country; their principles from our minds, and their daggers from our hearts. I vote for this bill, because I consider it the means of saving my life and all our lives, from the hands of assassins. I vote for it, because it will break the abominable system of the modern Pantheon, and prevent the introduction of French principles and French daggers. When they smile, I see blood trickling down their faces; I see their insidious purposes; I see that the object of all their cajoling is—blood! I now warn my countrymen to beware of these execrable philosophers, whose only object it is to destroy every thing that is good here, and to establish immorality and murder by precept and example—"Hic niger est hunc tu Romane caveto."

Mr. *J. T. Stanley* approved of the bill, though aware of the unusual power it would convey to the executive government. The circumstances of the time required such power to be given. Those who apprehended danger or inconveniences in the passing of the bill, should well weigh in their minds against them, the danger and inconveniences which might arise if it was not passed. Could any gentleman say, that the continuance of so many foreigners as were in the country, uncontrolled, was without danger? It was notorious, there were among them some, who had come from the continent for the sole purpose of exciting discontent, and of purchasing amongst our own people, abettors of their designs. Within a few days of the time he was speaking, members of the actual convention of France had been in town. Was it to be supposed, that such men had abandoned their stations to pay us a visit for good purposes? There had been assassins in London; they still remained in it. The same who had been employed at Paris on the dreadfully-memorable 2nd of September. Was it a matter of no importance whether such men remained in this country, or were sent out of it?—With respect to the bill, the power it would give should be exercised with the greatest attention. The foreigners, over whom so much power was intended to be given, were of very different descriptions: many of them were men deserving of punishment and severe treatment; but others were deserving of kindness and hospitality. These last were the reverse of those, who at present governing France, were so justly the objects of execration. They were the oppressed, the others were the oppressors. They were exiled, unfortunate gentlemen, who came to England, as to their last asylum, to escape persecution. They were whatever France had possessed that was virtuous and dignified. They adored the God the others had abjured. They were the devoted victims whose hearts were to be pierced with the daggers the others were to wield. He was sure the House would join with him in recommending to the protection of ministers, a class of foreigners, in so many respects the contrary of those emissaries who were sent here to plot mischief and foment rebellion.

The bill was read a second time.

Dec. 31. On the order of the day for going into a committee on the Alien bill being read,

Sir *Peter Burrell* considered himself bound to rise upon the present occasion, as he differed in opinion with those with whom he had been accustomed to act,

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and especially with one right hon. gentleman (Mr. Fox), for whose great abilities he entertained the highest respect, and of the purity of whose motives he could not harbour the smallest doubt. As he considered the bill to be highly necessary, and fully justified by the existing circumstances, he now rose to state the ground of this difference of sentiment, and vindicate the motives of his separation from those with whom he had formerly agreed in opinion. The question now was, not who should govern, but whether there should be any government at all; not who should be minister, but whether there should be a ministry. While we were quarrelling about the shadow, the French were endeavouring to deprive us of the substance. Had gentlemen really considered the nature of the question? The sort of war which the French carried on, was a war not of insult, but of extirpation. It was a war which had for its object to erect their own system on the ruins of every other government. It became necessary, then, that the French should be acquainted with the real state of the sentiments of the people of this country, that they might know how little they had to hope from the progress of their doctrines in this quarter. He considered the present bill as a measure calculated to maintain tranquillity and confidence. By vigorous measures of preparation, accompanied with a spirit of unanimity, we should best provide against whatever might happen. On this account he highly approved of the bill, as putting into the hands of the crown a power fully warranted by the present crisis.

Sir *Gilbert Elliot*, understanding that what he had said in a former debate had been misunderstood, embraced the earliest opportunity of restating what he had before advanced. He had had the assent of several of the gentlemen who had been accustomed to act with the right hon. gentleman (Mr. Fox) and had been distinctly authorized by a noble personage who had been alluded to in a former debate (the duke of Portland), who had approved of his conduct, in the opinion he expressed, that it was the duty of every man, in parliament, and out of parliament, in the present situation of affairs, to support administration in their exertions to defend the constitution, and to save their country. Further than that he had not pledged the authority of the noble personage alluded to. He had however declared his own opinion to be—and which opinion he still entertained—that the political difference of sentiments between him, and those with whom he formerly acted, were too great ever again to hope for future concurrence. He concluded by declaring that seeing an absolute necessity to give every support to the government, he was determined zealously to co-operate in his public and private capacity, with his majesty's ministers, in their exertions to defend the constitution, and to save the country from the evident attacks meditated against it.

The Marquis of *Titchfield* said, it was with great pleasure that he had heard what had just fallen from his hon. friend who, in expressing the sentiments of others as well as his own, did not seem to have said any thing in which he could not readily concur. He agreed that the circumstances of the country were in the highest degree critical; and in such circumstances those who were as little inclined to think well of the present administration as himself, might be disposed to such a conduct in some instances, as at other times they would not be inclined to pursue. His political sentiments and attachments remained the same that they had ever been. His opinion of the gentlemen who composed the present administration, was in no respect altered. But he felt the dangers which surrounded us, and the necessity of giving to government such support as might enable it to act with effect; a support, therefore, directed to that effect, and governed by those considerations, was that which he meant distinctly to give them. The bill under consideration he conceived to be one of those measures, and therefore it should have his support. But in declaring those intentions, he could not too explicitly declare, that in no other respect could he give them any share of his confidence.

Sir *M. W. Ridley* complimented the members of opposition for their abilities and integrity. He had frequently acted with them, and had no doubt that he should again; but the reason why he supported the present measure was, because he thought the country and the constitution in danger.

Mr. *Fox* said, he should trouble the House but with a very few words. What he chiefly had to observe was on what had fallen from the noble marquis. He thought it rather unnecessary to take much notice of what had been expressed

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on the feelings of others on a former day. The whole subject had been explained by the noble marquis with so much propriety, dignity, and perspicuity, that he could not entertain a doubt as to his principles and sentiments. He had so properly come forward to state his opinion as a member of that House (which, by the way, was more regular than alluding to the opinion of other persons who were not members), that no doubt could now remain; all that he had to say on that subject was, that he concurred entirely with the noble marquis in every thing he had said that night, except his approbation of the present bill. The committee might, perhaps, be the proper stage for him to deliver his sentiments upon the subject. At present, he must confess, he was not ready to give his assent to the bill. He was not surprised that there was a difference of opinion between the noble marquis and himself upon the bill. They had formed different opinions on the state of the country: the noble marquis had thought the country in danger, and therefore very properly thought that the executive power should be strengthened. He, on the contrary, was not aware of such danger, and saw no necessity for the bill; and therefore, when the case was thus explained, it was not surprising that they differed in opinion. The bill must, he apprehended, be discussed on two grounds. The first was, whether any danger did exist? If that was determined in the negative, there would be an end of the bill; if in the affirmative, then, secondly, whether the bill contained the proper remedy for such danger? The present was not a question of general support of administration, as had been very erroneously stated: it was, whether any thing was necessary in the present case; and if any thing was necessary, whether the bill was adapted to the end proposed? He was ready to say, that if the circumstances of the time were such as ministers described them to be, it would be necessary for him to support government, and he would support government if there was really danger in this country. He was always ready to support government when he thought it wanted support. As a proof of this, he had given his vote for the augmentation both of the army and navy this year. He had done so because he believed this country was threatened with external danger. But he did not belive that there was any internal danger, and therefore it was that he opposed the present bill. If ministers would prove the internal danger to exist, he would consider himself bound to vote for it on the third reading.

Colonel *Hartley* observed, that as he believed the country to be at this time in danger, whatever opinion he might have of administration, he thought he could not do better than confide in them in the present instance, and give his assent to the present bill. When the danger was over, the House would expect ministers to give a very good account of the whole proceedings, and if they did not satisfy the House, proper steps could be taken to express disapprobation; but at present, under all the circumstances, he was for passing the bill as the best measure that could be adopted.

The House then resolved itself into the committee. The bill was read clause by clause, and a great number of amendments made and additional clauses introduced.

January 4, 1793. The order of the day being read for taking into consideration the report of the committee on the Alien Bill,

Mr. *M. A. Taylor* said, that the principle of the bill appeared to him of the most dangerous tendency. If once established, he did not well see where it was to stop, or why it might not be extended to British subjects as well as foreigners, and lead to a total repeal of the Habeas Corpus act, upon grounds of danger totally ideal, or at least unsupported by any evidence. His majesty's ministers had felt it necessary, in order to justify themselves for calling parliament together so unexpectedly, to state not only that there existed a formidable body of men in this country, who professed principles inimical to the constitution, but that there had actually happened in various parts of the kingdom riots and insurrections. That there had existed riots and insurrections of a very alarming nature, he was very ready to admit. But they were composed of men who, while they were acting in the most outrageous manner, had the words "Church and King" constantly in their mouths. These however were not the kind of riots to which ministers had alluded: they had spoken of insurrections, fomented by disaffected persons at home, for the purpose of subverting the constitution. Ministers had been repeatedly called

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upon to state where and when these riots had existed; but in vain. The right hon. secretary had mentioned four or five instances, every one of which had been disproved. Then came the present bill, brought in with as little argument, and supported by as few facts, as any measure of the kind ever was. It appeared to him, that it violated in its principle, the most sacred rights of our constitution, without any cause to justify such violation; it violated the rights of aliens. It left them entirely in the power of the king, and that power might go even as far as death; which would be the certain consequence to an emigrant from France, if sent back to his own country. He said, he never would agree to leave any man at the mercy of ministers, without evidence of guilt, though he did not mean to doubt their humanity. But, amidst all this dreadful alarm, had any man been taken up; had any prosecutions been brought? No such thing; all was bare assertion. Of late, the great body of the people had been held of no account whatever; but the law and constitution of this country, and the bill of rights, recognised the rights of the people. He hoped that the friends with whom he had the honour to act, would steadily pursue that line of conduct which had hitherto distinguished them. He knew they were not to be terrified; and he trusted that if deprived, for the present, of some of those friends who had been accustomed to agree with them those who remained would be the more firm and determined. The words of his right hon. friend (Mr. Fox) were of sterling weight, and he was convinced would be found in the end to be of sound policy. It appeared to him, that it would be much wiser to exercise the king's prerogative, of sending aliens out of the kingdom, should circumstances render such exercise of it necessary, than to have recourse to the present bill.

The Earl of *Wycombe* said, that no facts had been brought forward to justify the severe restrictions proposed by this bill to be imposed on aliens. He would rather wish that all the benefits of our constitution should be extended to foreigners resident here. Let them have a fair trial, and if proved to be guilty, let them be punished. He disapproved of the bill as being unjust, and leading to the most dangerous consequences as a precedent. He was decidedly of opinion, that there existed no ground for any alarm from disaffection to the constitution; but he was not equally free from alarm at the conduct of ministers. He was yet to learn that there existed any external danger. We were not menaced, nor were we likely to be attacked. He would not enter into a detail of the internal situation of France, but it appeared to him that to engage this country in a war at present, would be a most ruinous measure. Our adversaries had unquestionably much less to lose than we had; What could we gain by possessing ourselves of any of their West-India islands? On the contrary, he rather thought it would be advantageous to this country, if our own West-India islands were independent of it. Experience had, in repeated instances, shown of how little advantage colonies were to a mother country. Every day made him more clearly of opinion, that there was not any necessity for our going to war. An explanation had been given of the decree of the 19th of November: and shall we, said the noble lord, embark in a war in defence of aliens, who are not ready to go to war themselves? Holland seemed by no means disposed to go to war. His lordship then adverted to the conduct of the Dutch towards Great Britain in the year 1780, and read a variety of instances of their having given to our enemies every assistance in their power, while they peremptorily refused to us the assistance which they were engaged to afford us. Until he heard some better argument brought forward in support of the conduct of ministry, than well-turned phrases and specious declamation he would give his most determined opposition to measures which appeared to him in the highest degree detrimental to the public interest.

Lord *Fielding* observed, that having given notice on the very first day of the session, of his intention to move for leave to bring in a bill for suspending the Habeas Corpus act, as far as might relate to the persons of foreigners, no one could suppose that he was not a friend to the present bill; and yet it so happened, that the bill itself did not very much please him. Several new clauses, framed without previous deliberation, had been added to it in the committee; and one in particular respecting alien merchants; which he greatly feared would completely defeat the whole object of the bill, as under the exception which was enacted in favour of persons of such a description, the very men against whom the bill was intended

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to operate, might be able to escape. An hon. member had said much about the rights of aliens: no man was more ready to respect them than he was; but his first object was to secure the safety of the state: and that being once out of danger, he would be happy to see aliens in the fullest enjoyment of every right which the law and constitution of England allowed them. Gentlemen had called for evidence of the facts on which the bill was grounded; but he, for one, would not press for the production of such evidence pending either a negociation or preparations for war. He was disposed to hope that war might be avoided; but should it become inevitable, he trusted, that every Englishman would be ready to sacrifice both life and fortune in the defence of his country and its constitution.

Lord *Beauchamp* warmly supported the bill. The present discussion was, he said, impatiently expected by the public. There was no period in our history distinguished for such an uncommon influx of foreigners; many of whom were the most questionable characters. If this bill were not adopted, this would be the only country to which the mal-contents abroad would direct themselves, under pretext of an asylum; by which the government might be endangered, and our liberties exposed to the wanton innovations of projectors. There were numbers who inundated our coasts, in quest of new crimes, or to conceal themselves with impunity for the abominable deeds of which they had been guilty. These wretches ought to be expelled society, with the strongest marks of reprobation. the bill was, in his opinion, well calculated to preserve us from the calamities which France had experienced. The clause relating to passports he highly commended. If France, in times of the greatest tranquillity, had exercised this power against natives of this country, as well as others, the same system could not give offence to those who now came to us for relief. The bill merely refused residence to any foreigner who did not assign satisfactory reasons for his abode in this country. Several cases occurred, which justified the measure at this alarming crisis. When he found every where men looking upon our constitution with jaundiced eyes; when he had heard them announce their abandoned designs to overturn all government; when he learnt that foreign money and foreign agents had been dispersed through this kingdom to effect those dreadful disasters; he had no hesitation in supporting any measure which could tend to prevent the threatened mischief. It was needless to refer to M. le Brun's letter, in which he menaced an appeal to the people of England against the government. He would content himself with a reference to his letter to the American states, in which he says, "we will establish liberty among all surrounding nations, or perish in the attempt." Let not gentlemen vainly imagine, if France be permitted to add country to country by her conquests, that she will spare Great Britain. Let us not neglect to adopt modes of averting the storm: let us not look supinely on, till London contains more French soldiers than British guards. It had been fashionable to ridicule the proclamation. In his opinion it was prudent. Seditious practices he was convinced existed. The snake was scotched, not killed. It was a crisis of great delicacy, and whatever might be his opinion of those who composed the present administration, public duty called upon him, at this moment, to give them a fair, reasonable, and honourable support; and he begged to be understood that he pledged himself to no more than to do so in this instance.

Major *Maitland* thought it his duty to oppose the bill, because the reasons which had been assigned for its introduction were not founded on fact, and because it went to give powers to government, which, considering the prejudice that was at present generally entertained against aliens, ought not to be delegated. If he could be induced to believe that the danger which was so much talked of really existed, he should have no objection to giving his support to the executive government; but he saw no danger, except that which had been created by ministers themselves, and which they wished to be generally propagated and believed, in order that, taking advantage of the ferment of the people, they might carry measures which they would not dare to bring forward at any other period. He declared that he could not conceive the utility of going to war. If a war was entered into for the purpose of preventing the circulation of French principles, it would have an effect directly opposite. The troops who might be sent to France would imbibe those principles, and bring them back again into this country. Such had been the case

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with the French troops who had been sent to America, and who had thus proved the cause of the recent revolution. With regard to the bill, it went to vest ministers with powers which he should always oppose; but a view of their uniform conduct, and an ill opinion of their intentions, formed in his mind an irresistible objection. When the late proclamations came out, he believed the nation at large were astonished; but it was hoped that, at the meeting of parliament, government would give a satisfactory explanation of their conduct. That House had heard of no such explanation, nor had any proofs been given of the existence of the danger. Whatever alarm ministers might have affected with respect to aliens, they were themselves assidiously creating ground for that alarm, by the importation of aliens, duty free, into this country. He had heard, that a number of foreigners had lately arrived at Harwich, by means of passports from the British ambassador at the Hague, who had assured them of admission into this country free of any duty at the custom-house. Of this alarm, what had been the consequence? Not that the prisons were crowded with foreigners, but that a reward of 100*l.* had been offered for apprehending an individual, Mr. Frost, who had been educated in the school of the present minister, and who, it was understood, was shortly coming over to take his trial. As a reason the major ridiculed the story which had been propagated relating to the nineteen assassins, whom lord Grenville had represented as having arrived here; and whom Mr. Burke, in the plenitude of his indignation, had affirmed to have come for the purpose of murdering his majesty and the royal family. He concluded, by giving the bill his negative; at the same time maintaining, that if any real cause of danger existed, either to the king or the constitution, he would show as much alacrity as any man either within or without the House to repel the attack.

Mr. *Hardinge* rose to give, in the most unequivocal and clear manner, his own sentiments upon the necessity of the bill, and upon the bill itself. He had once hoped, that instead of the animated opposition which this bill had already encountered, and the able opposition it was likely to encounter, he should attest, in support of it here, not a bare unanimity, but the most cordial, that parliament had ever known. It was, in his view of it, a measure prompted by a just impression of an alarm and peril, universally felt, and prompted as a defence, not only of the executive government for the day, but of those great principles which every ingenuous mind, upon either side of the House, was in the habit of cherishing the most; the defence of liberty and religion (to say nothing of property and life, in comparison) against incendiaries abroad, conspiring with incendiaries at home, to destroy, in one flame, every order of government, ecclesiastical or civil, in our constitution. He had once hoped that opposition would come forward, as one man at such an awful crisis of national danger, friends, and auxiliaries to the executive government, without prejudice to their dislike of the minister's conduct, or of the mode in which he was appointed, and without prejudice to their general hope of continuing together, a phalanx against him; a phalanx, by the way, a little more compact than it has been, which may be an advantage to it. He had hoped they would say, as a party, what some of them had said as individuals, when they seceded from the rest: "We dislike the minister, we like ourselves better (a very natural preference!) but we support the minister to defend the country." Such, to his immortal honour, were the emphatical words of a noble marquis (Titchfield). He had hoped, that such of the party, at least as had signed papers, confessing the existence and prevalency of opinions dangerous to the government, would confess it in parliament; that such of them as were friends of the people would be anxious to exculpate the popular character in this kingdom, from the original sin of those levelling opinions, assigning it, as they could, with more truth, to artifice and money, imported from the continent;—that confessing the danger and the origin of it in conformity with such notorious facts, they would either support this bill, or suggest a wiser and a better. In all these hopes, he had been cruelly disappointed; and he was timid enough to lament, as a disadvantage to the public interest, Mr. Fox's persevering opposition to such a measure. That as to the bill itself, if it had a fault, it was the fault of inadequacy, not excess, in the powers given to the executive government; that he had in the committee entered his protest against the exception of alien merchants, from the power to send mischievous aliens out of the kingdom, and had been fortunate

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enough to see that exception removed. If quarantine was thought expedient upon the apprehension of plague, before the suspected vessel could land her goods—if by the law of nations we can send even a ship in distress, by cannon from the shore, when plague infects her cargo, how infinitely more expedient is the safeguard of this bill, against the most infernal pestilence that ever scourged a nation—the creed and profession of anarchy, which every day poured in upon us from the continent! Was he to be challenged here, as in a court of justice, with two important little words, in that scene of action, but ridiculous here? To the words "prove it," he would answer, first, that it was not a juridical but prudential inquiry; next, that it would or might be dangerous, to go into the detail, perhaps impracticable, from the nature of the subject, but most of all he would answer, that it was a bold and rash contumely upon the sense of the whole kingdom, to call in question the fact of disaffection, which a people so enlightened had believed, and had resisted with such patriotism and public spirit. He would therefore say, upon these grounds, "I will not prove it." He then stated, the power given by the bill, and said, he would follow it up against those who could alone be the objects of it, in order to see what power it gave to oppress the innocent. If the bill should operate with restraint and punishment upon the emissaries of atheism and sedition, it would fall where it should. If it should punish or discover and exclude, the leveller in principle, who was an incendiary at heart, it would fall where it should; whether it found him with or without a dagger in his hand, with or without French money or French paper in his pocket, it would find him at least with French principles in his head—principles of rebellion against all government—and an avowed and boasted contempt for every oath of allegiance in the world. If the name of an emigrant should be the mask of an emissary and a leveller, this act would pull it off, and would catch the emissary or the leveller again. If it should be the case of an emigrant here, from the emigrants abroad, from the emigrant army, for example, he considered such an alien as the just object of suspicion; because if he should negociate his reinstatement in France, his interest may tempt him to make proselytes here as a merit and plea to urge at Paris. If it should be the case of an emigrant and refugee from the desolations and cruelties of Paris, that emigrant was our friend; he had come to us for shelter and mercy; he had come to us, appealing to a government by law, against a government by the sword; he had merited our sympathy, and we had given him unequivocal proofs of it. Without compliment to the minister, could it be imagined that he would be so mad as to go out of his way in shaking, by the oppression of such an alien, that center of union which incorporated the public interest and the public opinion, and formed his own? The only other class that remained was the indifferent alien, the by-stander, who took no part in the conflict, but was blameless, and, as an alien, was entitled by that character alone to an hospitable reception. That a minister could oppress him, that he could oppress an alien merchant for the sake of oppressing him, and with no possible temptation of interest, he confessed, and, thinking all discretionary powers dangerous, he lamented it, but it was a necessary evil because, without an indefinite power over aliens of all descriptions, the mischievous could never be separated from the good. He said, the report of M. le Brun, read the other night, would, of itself, in his opinion justify this bill. That minister had stated in the national assembly, that Paris employed political agents here (not of course accredited by us); and he adds a direct menace to appeal from what he affects to call "the palace," and "the minister," (but knowing it well to be the sense of parliament) *ad populum*, by which he means the lowest classes of the mob. This report was the signal of rebellion to the disaffected here, and the bill would act with a salutary effect in averting that mischief. The libels of the day would of themselves justify this bill. They were French to the bone, in connexion as well as principle. They had given birth to doctrines upon the subject of public libel, which he made no scruple to condemn as at once ignorant and mischievous; nor could sedition of the worst kind receive a more powerful help. It had been asserted for example, that intention proved the libel, instead of libel proving the intention, and that all opinions upon government were "free," that is, free in the sense of legal impunity, after publication, as well as before it, "let the seditious tendency of such opinions be ever so apparent." The most eminent republican of his day,

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who wrote when England was a commonwealth, and who wrote in the defence of unlicensed printing, a most able and sound as well as eloquent composition, had very different ideas of a seditious libel. He meant our immortal poet, Milton, from whose poetical prose in a part of that work, a fanciful and brilliant passage had been quoted the first night of the session, for a purpose foreign to the subject then debated. He would quote him, and he wished the earnest attention of the House; "In every church and commonwealth," (he was not enlightened enough to disclaim the alliance of church and state), "it is of the greatest concernment to magistrates to look vigilantly how books deamean themselves as well as men—to imprison them—to execute sharp justice upon them as malefactors; for books are not absolutely dead things, but they have a potency of life in them, to be as active as that soul was whose progeny they are; nay, they contain, as in a vial, the purest extract and efficacy of that intellect which bred them. They are as lively and as vigorously productive as the fabulous dragon's teeth, and, sown up and down, may spring up armed men." It was against those arms and those men that he thanked the bill for providing him with a defence. He had asserted in the committee his individual opinion, which he took leave to assert again, that his majesty had, by law, the right of sending aliens out of the kingdom for the public safety. But he commended the bill for not asserting that right on the one hand, or disclaiming it on the other. If the king had not the right, this bill was necessary to confer it upon him for a time, and for the purpose delineated in the act itself. If he had the right, still it was a discretion which the legislature could, with more advantage to the public, direct and apply. In consulting parliament upon the necessity which made the habitual exercise of this right expedient, with a reference to objects of national importance, the minister had acted with consummate wisdom as well as delicacy, if he thought the right strictly vested in the king. Upon these grounds he declared himself a firm and zealous friend of the bill.

Mr. *Jenkinson* observed, that the declaration of the French minister explained at once all the objections which could be made to this bill on the ground that no hostility had been offered on the part of France to the government of this country. The declaration of that minister made lately in the National Convention, expressed hostility to all monarchy, and specifically to this country, when the nation and the sovereign were treated distinctly. This was not the only reason why such a bill as the present was a necessary measure; for it was well known that libels of the most dangerous tendency, were, by the influence of French emissaries, industriously circulated in this country. To these emissaries were to be added a certain society, calling themselves The Society for Constitutional Information. They professed to hold open correspondence with certain societies in France; and had recommended to their corresponding societies in England the perusal of Mr. Paine's book. It was not his intention to say any thing harsh of that book—a book not written with a view to reform any abuses that, in the opinion of some, required to be reformed, but to overturn the constitution altogether. Those, therefore, who circulated such a book could not have any wish for a reformation, but must aim at an overthrow of our constitution; for this society must be allowed to have adopted the principles in that book, by endeavouring to circulate it. Such books in general, from their nature, must make a considerable impression upon the minds of the lower orders of society, by teaching them to look for a better condition when the present system should be overturned. By their education their minds were not capable of perceiving the delusive nature of these visionary theories; and by their habits they were not much used to reflection, and therefore were easily led to expect a better situation in life, without once thinking it was possible they might incur a greater evil. They resembled a silly adventurer in a lottery, who stakes his last guinea in hopes of sharing the capital prize; and, above all, these were persons who, from not having property or stake in the country, were, or would be, eager in adventure, and had nothing to check their rage of experiment and innovation. Men, habituated to reflexion, would of course detect the fallacy of this book; but to persons of the description he had mentioned it was highly dangerous. This, then, was of itself a reason for the passing of the present bill, because it was a measure that would tend to diminish the influence of French councils! Another reason appeared to him

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for this measure. It was well known what was the nature of the directions given by the national convention of France to all their generals, and what was the conduct of those generals, particularly the conduct of general Dumourier, the whole of which was a system to propagate principles and doctrines by the sword; and when the French had succeeded in every other place, they were then to proceed to the conversion of the people of England in the same way. When he considered all these things, he thought that any step that tended to the diminution of French influence in this country was prudent. He alleged, that it was the intention of the French to kindle the flame of civil war in this country, that they had got a great way towards making the lower order of society discontented, and that the meeting of parliament had been necessary in order to extinguish that spirit of disaffection. He believed that the calling out of the militia, the debates in that House, and the general concurrence of opinion expressed in it, had also tended to extinguish that spirit. He believed that the bill would tend to extinguish that spirit by driving the persons most active in sowing the seeds of sedition out of this country. He then took notice of the power which the bill would give to the ministry, and maintained it would be only such as would be wanted; and adopted the sentiment of sir Gilbert Elliot, expressed on a former day, who said that the granting of power by the deliberative to the executive power of the state, in cases of extraordinary emergency, was a proof of freedom; and added, that he saw no reason for supposing that ministers would make any improper use of their power, for they would not have the least temptation to do so; and even if they should, they would be responsible to that House, as in all cases of power abused. He distinguished between the culpable and the innocent emigrants, who were at present in this country; the one would remain under the protection of government, and the others would be removed. It had been said that the bill was equal to a suspension of the Habeas Corpus act; but he saw nothing very extraordinary in that observation, taken in its full extent as an objection; for when the state of the country required it, that act had been suspended. It had been suspended six or seven times in modern periods of our history. Almost immediately after our revolution, it was suspended by the very men who brought about that revolution, and they were highly applauded for the measure. But the matter of doubt which he had upon this subject was, whether or not it infringed upon the prerogative of the crown; for he had heard it advanced in that House, and he had read in Blackstone, that the king had an undoubted right to order any alien to depart this realm of his own will and pleasure. This was one of the prerogatives of the king of Great Britain, and therefore the only doubt with respect to this bill was, whether it might not hereafter be quoted as a precedent, that the king had not that power, or this bill would not have been necessary. He had heard it mentioned, that the situation which this bill was intended to remedy, was brought upon the country by the present ministry. By way of answer to this, he begged to ask of these gentlemen, whether they really believed, that if what they complained of in 1784, about the minister's coming into power unconstitutionally, had not happened, the affairs of France might not have been exactly in the same situation as they were at present. He believed they would. Why, then, it was the French revolution, and not the unconstitutional conduct of ministers, that had brought on this country the calamities which now hung over us. He then took notice of the progress of French principles, and urged the propriety of our doing all we could to stop them in this country; for the French, unless they met with some timely check, would spread their pernicious principles over the whole globe. He considered the present bill as a step to check them, and therefore it should have his concurrence.

Mr. *Grey* regarded this bill as defective in principle, as it was objectionable in practice, forming, as it did part only of a system which the present minister had almost invariably pursued with regard to that House, and the public. The parliament had been called together in a new and extraordinary manner. Some gentlemen said it had met the unanimous consent of the country. In this he believed they were right; for the people at that time had been taught to believe that the country was in a state of great danger, and therefore they thought the House met under extraordinary circumstances. The reality of this danger ministers proved only by assertion. Some gentlemen,

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indeed, said, that as to the insurrections in the country, they were so notorious, that it was needless to point them out. Upon these general, loose, and vague grounds, parliament was called upon to give its approbation of the conduct of the minister, and to place in him implicit confidence, without one proof of any one of the assertions, upon which that confidence was demanded. They were called upon for an armament; in this vote they were almost unanimous; because they thought the country ought to be put into a state of defence, previous to any step being taken by government: and because they thought that this measure was likely to preserve the blessings of peace to this country. These were the grounds on which he and many others voted for this armament. But was that the ground on which a right hon. gentleman (Mr. Burke) had given his consent? He said, he did not give his consent to an armament for the purpose of treating with the French, but for the purpose of bringing us into immediate and immortal war, and he was afraid that the right hon. gentleman was not singular in that opinion. Could the House be justified in reasoning as these gentlemen reasoned? When he reflected on the applause which the rt. hon. gentleman received, he was afraid there were many others of opinion, that the ground stated by ministers was not the real ground for the armament. Mr. Grey said, he wished to put to ministers one question. Did they arm to negociate, or to go to war? If the right hon. gentleman (Mr. Burke) was right upon the ground on which he consented to the armament, then let the ministry come forward and avow it. If not, what would they say to the people for misleading them, and plunging the country into a war without assigning any reason whatever for it? Ministers, he said, were called upon to declare, before parliament separated for the holidays, what was the real state of this country. Pursuing the same system of affected insurrections, and voting armaments, without knowing any thing of the cause in which they were to be employed, and listening to the assertions, of the minister, was not the duty of that House; and yet the minister now called upon them to vote for a bill which was to give to the executive government extraordinary powers, without the least proof of the necessity of the measure: the whole was to be done upon the footing of confidence.—Mr. Grey here took notice of the distinction of free states voting extraordinary power in times of extraordinary danger, and those states, the executive part of which always having power enough, can act in every instance, without the assistance of a deliberative assembly; these might, he said, be justly said to be despotic. The former was certainly the characteristic of a free government, but there was another characteristic of a free government, and it was the chief excellence of our constitution, it was this: the executive power was never to judge of the necessity of that extraordinary power; it was always the province of the legislative to form its opinion upon that subject; and, therefore, when any power was to be given to the crown in cases of emergency, it must be given by parliament. It had been so in the suspension of the Habeas Corpus act, and so it ought to be upon this occasion; these points were necessary for the safety of the British constitution; none of these extraordinary measures should take place but upon proper evidence laid before parliament of their necessity. And this brought him to reflect on the present case a little more closely; the result of which was still more unfavourable to the present measure, for if they were wrong in giving their confidence to the minister at first without a cause assigned, how much more so should they be, when they came to give their consent to a measure utterly irreconcileable with the principle of the constitution, and the proper practice of parliament, and a measure, too, in which, from its very nature, it was impossible for the House to have any responsible person to refer to, in case the subject should require investigation hereafter. A learned gentleman had said, that we had a right to drive away a ship to sea from the coast, and perhaps expose her to future destruction, provided we thought that the plague was on board of her; that we had a right to insist on her performing quarantine, in order that we might be safe; and that such was, in some degree, the nature of this bill. He wished to know whether they meant to carry that doctrine to its full extent; for, in that case, no proof would ever be wanted; bare surmise would always be enough for proceeding at any time to the utmost extremity. But, indeed, if the plague was to come to this country from France, he believed it was much less likely to come by persons than by writings. Every one

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point that had been stated in favour of the bill, had failed altogether; there was nothing stated that went in the least degree to prove the necessity of the bill.—Much had been urged upon the tendency of Mr. Paine's book, and also the proceedings of the Constitutional Society. He was not a friend to Mr. Paine's book, nor to the proceedings of the Constitutional Society; and he agreed with the answer given by an hon. friend of his, who being informed that the society had been industrious in recommending Paine's book, had withdrawn his name, observing that he was a member of a society who were friends to the constitution, and therefore could hold no farther correspondence with those who recommended a book, in which it was stated that this country had no constitution.—The hon. gentleman who spoke last had said, that whether there was danger from within or without, this bill was necessary. What was the conclusion to be drawn from this? Why, nothing more or less, than that whenever we go to war we may be said to be in danger, and therefore such a bill will in future always be necessary. We were told that there was a correspondence between societies in this country, and societies in France. Would this bill prevent such correspondence in future? Most certainly not. The attorney-general had stated, that, within three days, foreigners had arrived in this country, and had marched up to London, and these men were of such characters that some provision should, on that account, be made in the bill. No! said a right hon. gentleman (Mr. Burke), they are most of them of a particularly innocent description. And yet, with this difference of opinion among the most sanguine friends of the bill, this was made one of the grounds for passing it as a matter of necessity!—Mr. Grey wished to know how it was that we were to define the innocent from the culpable emigrant. He was as far as any man from wishing to blame the charity that had been extended to these unhappy persons; on the contrary he applauded that charity; but he wished that there should be some point by which the really deserving were to be selected from others, much better than the mere will or caprice of any minister; but as the case new stood, it was impossible to make a proper selection. He had been told that, had it not been for the care of ministers, these foreigners would have proved mischievous to this country. What did this imply, but that the ministers knew who these persons were and that with regard to them, nothing was to be dreaded? What danger could arise to the public tranquillity, if care had been already taken to prevent them from doing mischief?—Another consideration on this bill made him still more unwilling to assent to it, he meant that it left all the execution, without any control, to the will of the minister. Gentlemen asked, what temptation had ministers to act amiss in such cases? What temptation, God knows. He did not suspect them of wishing for tyrannical power for the purpose of exercising it cruelly on any man; at the same time, it must be allowed to be against all principles of justice to subject any man in this country to the will of any other. Besides, cases might occur that would be very hard indeed; there might be those who were friends originally to the revolution in France, and who wished to see the ancient despotism destroyed, and who nevertheless were friends to a limited monarchy, and yet these men might be driven by this bill into another country, perhaps back again to France, where inevitably they must suffer death. When he knew the force of prejudice in that respect, he was still the more unwilling that any man should be put at the disposal of a minister. For instance, he wished the House to suppose the case of M. La Fayette, having taken refuge in this country, and that ministers were disposed to treat him rigorously; could they not send him to Prussia, and would he not then be confined in a dungeon at Magdebourg or Wesel, where he might be kept for life, and treated with the most barbarous severity? There was another man, M. de Puzy, whose case deserved to be noticed. This unfortunate gentleman had been three times president of the National Assembly in France, and was remarkable for his attachment to monarchy; in consequence of which he had left France, and was now a prisoner at Magdebourg or Wesel. Such was the treatment which the friends of limited monarchy met with in these tyrannic states. This confirmed him in the opinion which he had long entertained, that it was a good thing for Europe that the combination against France did not succeed in their endeavours to conquer the French.—Upon all the views which he could have of the subject, he could not give his consent to this bill, because

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there was no proof of its necessity, or of the propriety of its provisions; it was very objectionable on account of its being a bill to extend the discretion of those who could not be responsible for the exercise of that discretion. It was true that the secretary of state had said, it was a bill grounded on suspicion, and therefore evidence of the facts on which it was founded could not be given without defeating the intention of the bill itself; but all this dwindled into nothing, and the bill became a measure of oppression, when it gave power, for the exercise of which no man was responsible; and especially when the assumed ground of the bill had no foundation, namely, the danger of the country. Perhaps, indeed, some time hence, ministers, if asked to show what they had done for the service of the state, would assure the House, that but for their interference much mischief might have ensued; they might say they had sent such a person out of the country; perhaps somebody might say, "I knew that gentleman very well, he had no views of sedition, he was a worthy and quiet man."—"Oh, I beg your pardon," the minister would say, "you do not know him so well as I do; I sent him out of the kingdom to prevent mischief; I grant you, he did nothing against the state, but that is owing to me, for I took care to prevent him." Such might be the excuses of ministers for sending away such persons as they pleased. As the whole they assumed in this case was of a negative nature, it would be impossible to detect them if they acted from caprice, as the word "suspicion" covered every thing. He accused ministers of no bad design, but he did not like to give so much power without any necessity, and where there could be no responsibility. He must say, therefore, that without proof of the circumstances upon which the bill was alleged to be necessary, he must give it his negative.

Lord *Mulgrave* insisted on the necessity of the present bill. He thought it strange, indeed, that gentlemen should say there was no danger from seditious publications, when their own eyes might afford sufficient evidence that every stall was covered with them. With regard to societies, he could not say that he apprehended danger from the very contemptible one established for constitutional information; but he confessed that he did apprehend danger, when great and able men in that House lent the sanction of their names to their favourite principles, and more especially when libels were taken out of the common course of disposal by courts of law. When societies were formed under the specious title of "Friends to the Freedom of the Press," for the purpose of bringing the tribunal of trial by jury into disesteem, he thought it was time to be alarmed. This society met some time ago, for the express purpose, and with a determination to blame twelve Englishmen for the verdict they gave, upon their oaths, on the trial of Thoms Paine for a libel, tried at Guildhall on Tuesday the 18th of December last.* These resolutions would show that it was the determination of the gentlemen of this meeting to censure that verdict, and to blame twelve men upon their oaths for their verdict. His lordship read the resolutions, and then entered into a detail of the nature and views of this society; he also took a view of the effect of libels in this country, and of the necessity of checking them, and paid a handsome compliment to the jury who tried Mr. Paine for his Rights of Man; he extolled also the trial by jury, and hoped it would remain in its purity, when the efforts of visionary reformers were forgotten. He took notice of Mr. Erskine, his speech upon the trial, and his subsequent appearance at the meeting of the abovementioned society, and of the part he took at that meeting. He complimented him for his great abilities, but disapproved of his conduct in this particular, and rejoiced that his eloquence and labour for so many hours were not a match for the plain common sense of twelve honest men. It had been said that the association, which had expressed an intention of commencing prosecutions against the authors and publishers of seditious writings, were considered, in the eye of the law, as having been guilty of what an act passed in the reign of Henry 8th, called Maintenance. That act, however, only went to private suits; and therefore the accusation, in the present instance, did not apply. His lordship then spoke of the effect of French principles, and alluded to the proceedings of the 10th of August, and the 2nd of September. It was for the purpose of preventing the mischief that must necessarily arise from the propagation of such prin-

* See 22 Howell's State Trials, 357.

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ciples, that the present bill had been brought forward.

The Marquis of *Titchfield* said, he should support the bill, because he believed that we had some danger to apprehend; but he must repeat, that it appeared to him that the calamity with which we were now threatened, was owing in some degree to the negligence of our ministers. If they had been as vigilant as they ought, they might have averted the distress which this country was about to feel. He expressed no general satisfaction at the conduct of administration, but supported this bill merely because he thought it a necessary measure.

Mr. *Windham* approved of the bill. He had heard gentlemen say they knew not on what principle it could be supported, and he would, by way of general observation, say that he knew of no principle on which it ought to be opposed, Propositions, indeed, had been stated, but they were all liable to one objection —they were all general. Such, for instance, as that danger did not exist; that ministers deserved no confidence; that the emigrants could not be distinguished the one from the other. These observations were very ingenious; but they were all very much out of their place, and to such general observations he could only return general answers, which was, that the accounts of insurrections, or of probable insurrections, and other dangers, could not be judged of by detached acts, but must be taken altogether. It would be as ridiculous in ministers in such a situation as this country was in at present, to give to that House any specific fact which they knew of, as it was in the case, where a man, to give a specimen of his house, brought a brick in his pocket. In this case single facts were nothing; but when they were taken jointly with other circumstances, then they became of importance. He was far from being of opinion, that gentlemen on the ministerial side of the House, were the framers of the alarm which had spread over the country, because that conclusion did not correspond with facts and dates. Some time previous to the meeting of parliament, he was so far from thinking that ministers had shown an endeavour to create an alarm, that the greatest subject of his alarm was, that ministers did not state any thing upon the subject to the public. He thought that supineness was imputable to them, and this was a cause of his alarm. As to the number of persons who were supposed to be disaffected, he had never represented them as forming any thing like a majority in this country; if they had, we should not have walked the streets in safety, nor assembled in that House in quiet; but he knew that strength with such persons, although weak at first, must in time be very formidable, and they would take care to be well acquainted with their power before they came to act upon their opinion. He did not pretend to know exactly how these persons felt, or when they intended to commit violence, but if he were to judge from the confidence of the looks of certain persons, he would say that, according to their supposition, the time was not very distant. Here Mr. Windham alluded to the persons who were lately convicted of endeavouring to blow up the wall of the King's-bench prison; to the expressions of one of them, who had threatened to murder lords Thurlow and Kenyon; to the correspondence they were said to hold with a Reformation Society in the Borough; to the aid they expected from a mob, after they had effected their escape; and then maintained that these things were evidence of public danger, and called for the vigilance of government. He was of opinion that the present bill was a proper measure. From the nature of the power to be given to ministers, there was no probability of their abusing it. Besides, there was a material difference in the operation of a bill of this sort, as applied to the case of a native, and that of a foreigner. In the act of transportation, for instance, to a native, it is almost equal in horror to a sentence of death; but to a foreigner, who came here, perhaps, from compulsion, and was eager to go away again, it was no punishment: to such a person it was something like drowning a fish. In short, he had not the least difficulty in giving this bill his support, and in considering this as one of the instances in which he was about to support government. Upon the subject of supporting administration, he begged to be understood as speaking no sentiments but his own. What did any man mean, when he said he would support administration? Why he meant this, that he would support them in a fair, liberal construction of the word, which should be understood according to the time and circumstances of the speaker, and government—this was language for a gentleman on the opposi-

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tion side of the House. When a gentleman on the other side said, that he meant to support administration, what did he mean? Did he mean to say he would support government right or wrong? Certainly not. No man could be expected to be so destitute of principle; it only meant that he would support them while he thought they were right, but to declare it was rather unnecessary. It was peculiarly the subject of debate in the year 1784, and was the basis of the difference between him and the present administration; and he was still of opinion that the judgment of parliament should have an unison with the general practice of administration, and that none should be appointed to places of importance, who had not the confidence of that House; and this, he said, because much of the proceedings of that House must depend upon confidence. Upon some measures a great deal depended on confidence in administration. Upon others the whole might be a point of confidence. If these observations were true in general, of which he had no doubt, there were other measures that from their own nature were still more delicate, because from their very nature they would not admit of disagreement of opinion. With respect to the difference of conduct between a gentleman supporting what is called opposition, and what is called supporting government, it seemed to him to be this. the gentleman in favour of administration might say, "I will support government until I see a reason why it should not be supported." The gentleman in opposition should say, "I will oppose administration until I see a reason why they should be supported." As to his sentiments, he had not changed his mind upon the affairs of Europe, nor had he determined to support all the measures of administration. What, then, was his reason for supporting the measures of administration now? He believed it must be looked for, and it would be found, in the circumstances of the country. But why should he support the present administration, if he thought there were others who were more fit to fill their stations? This required many observations. In the first place, if a bad administration was a bad thing, so was a weak administration. Now, supposing an administration to be bad, it followed of course, that it must be made a weak one before it could be overturned. In the interim great danger might happen to the country, particularly from want of confidence in time of difficulty. He defined a systematic opposition to be opposing a minister wherever he was wrong, for the purpose of finally overturning, and displacing him from power, but by no means in any measure that appeared to be right. But when he looked on the situation of this country he wished to know if any thing could counterbalance the danger of removing a minister at this time; and he begged the House to reflect, whether the proposed advantage would be worth the risk; and therefore, although he might think that (he begged now to be understood as speaking hypothetically, and not from any opinion of his own), a better administration might be formed, still he would not vote for its change at present. He would go farther: he would say, that an administration, being a bad one, was a reason why at this time he should not attempt to remove them; because, in proportion as they might be bad, would they, by all means, strive to remain in power, to the neglect and detriment of the public business. He would in that case say to them, "I will not give you the excuse of being illiberally opposed—Do your duty, and I will support you."

Mr. *Thomas Grenville* explained why he voted for the bill, after having opposed the unlimited approbation of the conduct of ministers, which they were called upon to vote in the address on the opening of the session. He approved of their assembling parliament, and calling out the militia; but he thought that they did both in an improper manner. Had they alleged the situation of the country as the reason, and come to parliament for an act of indemnity, on account of having adopted measures which the exigency of the case required, but which law did not warrant, they should have had his support; but he thought it a most dangerous thing to leave to any ministers the interpretation of an act of parliament on the mere letter, without regard to the spirit. To the bill there was no such objection. It was evidently called for by the circumstances of the time; and instead of being an act of rigour and oppression, it was, in his opinion, an act of benevolence and humanity. When other countries were compelled by their fears to refuse an asylum alike to the guilty and the unfortunate, it enabled us to extend our hospitality to those whom anarchy, injustice, and the most

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imminent personal danger, had driven from their own country; while it enabled us to guard against those who came, not to assassinate this or that man, but to assassinate our free and excellent constitution. It was said to give a power to ministers without responsibility; but their responsibility was increased by it, because, as it gave them greater power, it made them answerable to the country both for what they did and what they omitted. The commercial treaty was not violated by it; for the state of things to which it applied was an extraordinary circumstance, which, at the time of forming the commercial treaty, no man could have in his contemplation. On the necessity of the bill he had the misfortune to differ from his right hon. friend (Mr. Fox). The instances in which he had hitherto differed from him were but few, and he was sure they would not now be more. Such accidental differences he regretted only as his high opinion of the superior talents of his right hon. friend made him always suspect his own judgment. More than this it was not only unnecessary, but improper to say. It would be unworthy of him, as a member of parliament, doing his duty, as in his conscience he thought right—unworthy of the character of his right hon. friend, whose generous, candid, and manly mind would scorn any support but that of men who supported him on principle, and who would openly avow a difference of opinion when they felt it. If the country had received much benefit from the exertions of his right hon. friend and those who acted with him, their present difference would be an advantage, not a loss. The public would give them credit for the integrity of their motives, when they were seen to differ in opinion, and consequently for the same motives when they were seen to concur; so that he trusted their connexion, by the present difference, would be strengthened, not impaired.

Mr. *Mitford* said, that the very reasons which had been adduced against the probability of danger, proved its existence. He explained the clause of Magna Charta, for the purpose of proving that the present bill did not operate as the virtual repeal of that clause. Precedents were by no means wanting for the sanction of the present measure. In the reign of Henry 4th the influx of foreigners was greatly feared, and orders were issued, that, if vessels should arrive at the different ports with foreigners, those foreigners should be detained in the ports, as their influx was a subject of much alarm. The present act, however, particularly ascertained who were proper, and who were improper, objects to be received. It was not intended to deny the protection of the country to such men as La Fayette, and those who had been the framers of the late monarchical constitution of France. An hon. gentleman had expressed a wish, that we could draw a line round France, or round this country, for the purpose of saving us from the contagion of French principles. The present bill tended to draw that line, and to produce, as much as possible, so salutary an effect. What the nature of French principles was, was evident from the resolutions of certain societies, and from the writings circulated in this country. That dangerous doctrines had been introduced into this country was evident from certain cant words that were common. One of these, "the national will," he was sorry to see in the report of a late speech by a learned gentleman (Mr. Erskine). The phrase, he believed, had not been used by the learned gentleman, but inserted by the newspaper reporter; the insertion, however, was a proof that the phrase was familiar to the mind of the reporter. The resolutions of the society at Norwich boldly stated, that when the national will was freely expressed by the majority of the people, it ought not by any other power or authority to be set aside. He, for his part, knew no other mode of expressing the national will but by act of parliament. The national opinion might be expressed without doors; but the nation could make no formal act, independent of its parliament, than that of petitioning, though Mr. Paine had thought proper to treat that right with contempt. Another of the doctrines for which the advocates of French principles contended was, liberty and equality. Such terms, however, were inconsistent; for where equality was established liberty could not possibly exist. Liberty and equality could exist together only on paper, or in the cry of a mob. Where distinction of orders was destroyed, government was at an end. The principle of equality was totally inconsistent with a well-constituted government, which, as in this country, having the people as the base of the pyramid, and the various orders rising, by imperceptible gradations, one above the

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other, boasts the crown for its point. Such was not the case in France. Mr. Mitford here applied the following passage from Shakespeare's Troilus and Cressida to the present distracted state of France:

"Take but degree away, untune that string,
"And, hark, what discord follows! each thing meets
"In meer oppugnancy: the hounded waters
"Should lift their bosoms higher than the shores,
"And make a sop of all this solid globe:
"Strength should be lord of imbecility,
"And the rude son should strike his father dead;
"Force should be right, or, rather, right and wrong,
"(Between whose endless jar justice resides)
"Should lose their names, and so should Justice too.
"Then every thing includes itself in power,
"Power into will, will into appetite;
"And appetite, an universal wolf,
"So doubly seconded with will and power,
"Must make, perforce, an universal prey,
"And, last, eat up himself."

In that country, in the language of the writer, appetite, led on by will and power, would make every thing its prey, till at last it should devour itself. There could be no government, no order, no peace, no security for Europe, or for this country, till the whole system on which the French had been lately acting was abandoned, and a better taken up in its room.

Mr. *Fox* said, that the immediate question before the House had been discussed in a manner so general, and so many extraneous topics had been introduced, that he must depart from the mode in which he had meant to treat it. He would begin with the state of the country, and examine what degree of danger existed when parliament met, and what degree of danger existed now. His opinion on the first day of the session, (and he hoped he should not be misunderstood, or what he said misinterpreted now, as had been the case then), was, that no danger existed to justify the measure of calling out the militia and assembling parliament, and in the manner in which this was done. His hon. friend (Mr. Windham) had said, that the dangers alleged in the proclamation were not to be judged of in detail; that they would make no figure mentioned individually, but were to be estimated by the impression made upon every man's mind, by the whole taken together. That they were not to be detailed he was ready to admit, for "dolus versatur in generalibus," they would not bear detailing, if they were to be mentioned individually; they would appear so many insignificant circumstances as to excite ridicule instead of alarm, and therefore his honourable friend did right in begging that they might be so mentioned. The danger, whatever might be its degree, had two sources: first, the fear of the propagation of French opinions in this country; and, next, the fear of the progress of the French arms. These might for one purpose be taken conjointly, but he intreated that they might be first considered distinctly, for he saw them in very different points of view. The propagation of French opinions in this country was, in his opinion, so very small, so very much confined, as to afford no serious cause of alarm to any mind of rational constancy. It had been said, that the proclamation at the close of the last session of parliament had checked the growth of the evil; but this was a mere *gratis dictum*, for those who said so were not able to adduce juridical, for that was not required of them, but prudential proof that it had ever existed. What, then, was the alarm? Those who thought they had cause for alarm in May, might naturally think that they had still greater cause; that those who entertained those obnoxious opinions would disseminate them with greater confidence, would act on them with greater boldness, when the French arms prospered. For those parts of the country in which he had not resided he did not pretend to answer; but, in this town at least, and, as he had every reason to believe, in all other parts of the kingdom, these French opinions had not been adopted to any degree that could be called alarming. His hon. friend had said, let them compare the phenomena with the theory, and they could not fail to be convinced of the danger. His hon. friend's mind, he rather believed, was so full of the theory, that he could not help inferring the phenomena, instead of raising the theory from well ascertained phenomena. For his part, he had always said, that whatever progress the doctrines of France might make in other countries, they would make but little here, where rational liberty was enjoyed and understood. He founded his hopes of this on his own opinion of the constitution, and the attachment of the people to it; and the event had justified his hopes, instead of the fears of some other persons. If real danger had existed, if those from whom it was appre-

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hended had been proceeding to action, if they had been rising in arms, if they had been going to take possession of the Tower (suppositions which now no man believed), then, indeed, calling out the militia would have been a wise and a necessary measure. But, if no such act was impending, to what purpose was a military force prepared? To repel opinions? Opinions were never yet driven out of a country by pikes, and swords, and guns. Against them the militia was no defence. How, then, were they to be met if they existed? By contempt, if they were absurd; by argument, if specious; by prosecutions, if they were seditious; although that certainly was not a mode which he would recommend, but it was a mode which ministers had before resorted to, and which they had still in their power. If, indeed, any danger did exist, it was not to be repelled by calling out the militia, and, under the pretence of waging war with obnoxious political principles, bringing bodies of them nearer and nearer to the metropolis. If, then, no act, founded on these opinions, was believed to be committed or intended, they who voted against the address on the first day of the session were right; for no good ground had been laid for the measures which they were called upon to approve. Could not ministers have prosecuted Paine without an army? Was any apprehension stated that the trial would not be suffered to go on in the usual course? He had been asked by a learned gentleman, whether or not a book with an evil tendency was to be declared innocent, because not coupled with any act, and without proof of extrinsic circumstances? His answer was, certainly not, but the evil tendency must be proved. Sometimes the evil tendency might be evident from the book itself; sometimes it might not, without being coupled with extrinsic circumstances; and where this was the case, the extrinsic circumstances must be proved to the satisfaction of the jury before they were warranted in pronouncing guilty. This was his opinion; and this he thought had been so sufficiently understood by both sides of the House in the debates on the libel bill, as to prevent any misrepresentation. The alarm, then, on the propagation of opinions could not justify the remedy which ministers had adopted, especially when it was coupled with a false assertion of insurrections, and, therefore, if it did not create, it certainly augmented, the alarm—he meant not in the mind of his hon. friend; he had been full of alarm for several months—an alarm that had taken such complete possession of his ardent imagination, that he could attend to nothing else, and he feared it would be several months more before he could be set right upon this subject. Another ground of alarm was the progress of the French arms. They who represented him as indifferent to that progress, did him great injustice. He was by no means so. He thought the same national spirit that, under Louis XIV. had threatened the liberties of all Europe, might influence, and actually had influenced, the conduct of the French at present; and he might perhaps think that this national spirit was more likely to collect and act now than at the time to which he alluded. He had even said that this country ought to have interfered at an earlier period. He differed from a noble lord (Wycombe) who had spoken so ably, and with so much propriety, that he was sorry he could not concur in all the noble lord had said on two material points. He was clearly of opinion that the navigation of the Scheldt, if not guaranteed to the Dutch by the letter of the treaty of 1788, was virtually guaranteed to them by that treaty, and, if they insisted upon it, would assuredly be a good *casus fœderis*. He differed also from the noble lord in thinking, that however much he might disapprove of any treaty at the time it was negociating, when concluded, it was as religiously to be adhered to by those who disapproved of it as by those who made it. But in all these cases both the contracting parties were to be considered, the principal and the ally, and they were not to go to war, even in support of the treaty, without a mutual regard to the joint interests of both. In the present case, he thought it probable that, considering the risk to be run, and the doubtful advantage of the monopoly of the Scheldt, Holland might prefer giving it up, to the danger and expense of a war. If so, surely we were not to force the Dutch into a war against their own sense of their own interest, because we were their ally. The decree of the French convention of instruction to their generals he should also consider as a declaration of hostility, if not repealed or explained to our satisfaction; always understanding that this satisfaction was to be demanded in the proper way. He, therefore, saw causes of external danger, and might perhaps

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think that it was in a great measure owing to the neglect of ministers; but when he saw the armies and the fleets of France, and recollected that we had no public means of communication by which any differences that had arisen, or might arise, could be explained, the danger appeared great and imminent indeed. When he considered the various relations in which we stood with respect to France, and the numerous points on which the two countries might interfere, the circumstance alone of having no public communication would in itself be a great cause of peril. For this reason, he had voted for an army and a navy, not for any of the eccentric reasons given by his hon. friend, that he would support ministers because he thought them unfit for their situations; but because he never knew a minister so bad, that he would not trust him with a fleet and army rather than expose the country to danger.

Having thus pointed out the internal and external danger, he would ask, how the measures that had been adopted were the proper remedy? If considered distinctly, either the measure or the mode did not apply. If connected, the remedy for the one was no remedy for the other. If France threatened to invade Holland, or refused an explanation of the offensive decree, calling out the militia would be right; but for crushing objectionable opinions or doctrines assuredly not. He knew not how to fight an opinion, nor did history furnish him with instruction. The opinions of Luther and of Calvin had been combated by arms; there was no want of war, no want of blood, no want of confederacies of princes, to extirpate them. But were they extirpated? No: they had spread and flourished through bloodshed and persecution. The comparison of these with opinions of another description might seem invidious; but it was so only if they were attacked by reason, not if attacked by war. By force and power, no opinion, good or bad, had ever been subdued. But then, it was said, if we went to war, one of the weapons of the French would be, instilling their opinions into the minds of our people. If it was, he trusted it would fail. But would a danger so much dreaded in peace be less in time of war? War, it was to be hoped, would be successful; but were we such children as to forget, that in war the sway of fortune was great, and that the burthen of certain taxes, disgust at ill success, and indignation at misconduct, would dispose the minds of men to receive doctrines and impressions unfavourable to the constitution? Even all this he hoped they would resist; but it would be putting them to a severer trial than he wished to see. On these occasions it was not necessary for him to say, that he, who loved the constitution, disapproved of the opinions of those who said that we had no constitution. His love of the constitution was to the constitution on its old form, which had subsisted by constant reformation, and was of such a nature, that if it was not improving, it was in a state of decay. He was happy to find by the resolutions from various parts of the country, that in his opinion, he was not singular. Like every human production, the constitution was not perfect, and if it were, it would not long continue so, unless the practice of it was carefully watched, and if that spirit of vigilance on the part of the people, which was its best security, were lulled to sleep. Melancholy, therefore, as the present prospect was, he saw more danger than ever from that prospect from pushing the present alarm too far, and making the people see the picture all on one side—the dangers of anarchy only, while they were inattentive to the abuses and encroachments of the executive power on the other. If the bill was intended to guard us against internal danger, while we were at war with France, we knew that in 1715 and 1745 the French had not been sparing of attempts to sow dissentions and excite rebellion in the country; and yet we had, by the commercial treaty, provided for the protection of the aliens of both countries, even after an actual declaration of war. Did it guard against the introduction of opinions? No. We had not yet come to the measure of prohibiting all French books and papers, which Spain had adopted about a year ago; nor was the policy or the wisdom of it so much applauded as to induce us to follow the example. But these opinions were propagated by conversation! What, then, did a Frenchman, when he landed, find an audience to understand the terms of his philosophy, and immediately open a sort of Tusculan disputation? Were they disseminated in clubs and convivial meetings, where men were disposed to approve rather of what was animated than what was proper? The very idea of a Frenchman getting up

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to harangue in his broken English, at such a meeting, was too ridiculous to be mentioned. If they were propagated at all, it must be by English agents, and these, if any such there were, which he did not much believe, would remain in the kingdom if every foreigner were sent out of it.

The preamble of the bill was a complete delusion; for it stated the extraordinary resort of aliens to this country, as the pretence of the bill, while every body knew that extraordinary resort to be occasioned by circumstances that had no connexion with it. At the time of the revocation of the edict of Nantes, when so many Frenchmen came over to this country, would such conduct have been adopted? If it had been, it would have deprived us of some of the best commercial advantages that we enjoy at the present day. The spirit of the bill was kept up in the mode of the defence; for it was said by one gentleman, that 400 aliens had marched into London in one day, while another gentleman (Mr. Burke), said he had examined these aliens and found that they were not dangerous. Surely, where that right hon. gentleman saw no danger, every body else might be perfectly at ease! Were an office to be instituted for the purpose of examining the opinions of individuals, and how they stood affected to the constitution of the country, no person could be better qualified than the right hon. gentleman to conduct the inquiry. Those who should stand this test, and meet with his approbation, might be reckoned sound indeed. With respect to the emigrants, among whom it was meant to make a distinction by the bill, he would protect those who had fallen a sacrifice to their opinions in favour of the old government of France; not because he approved of their principles, but because he respected their misfortunes. With respect to those who suffered for their attachment to the new constitution, he had heard it said by a person of high rank, that if La Fayette were here, he ought to be sent out of the country. Was this to be endured? Was it fit to vest any ministers with such a power merely in the hope that they would not abuse it? The third description of those who had fled for fear of punishment, for being concerned in the detestable massacre of the 2nd of September, all men would wish to see removed; but this was a sufficient ground for a particular law. The horrors of that day ought not to be mentioned as the act of the French government, or the French people, for both disclaimed it; but to disclaim was not enough. That the crime was not prevented or followed up by striking examples of punishment, would be an indelible disgrace to Paris and to France. But, were we to go to war on account of these inhuman murders? No war could be rational that had not some object, which being obtained, made way for peace. We were not, he trusted, going to war for the restoration of the old French government, nor for the extermination of the French people. What, then, had the horrors committed in France to do with the reasons of war? But they had to do with the passions of men, and were held out to blind their judgment by exciting their indignation. That we might have a rational and intelligible account of the object for which we were going to war, he had made the propositions on which the House had already decided: and notwithstanding their ill success, he should not desist till such an account was obtained. The prerogative of the crown to send foreigners out of the kingdom, said to be left untouched by the bill, ought not to remain in doubt. The single instance produced from the reign of Henry 4th was counterbalanced by another in the same reign, when the king did the same thing by the authority of parliament which he had done before by his own power. He believed that the prerogative did not exist, and if it did, that it was too dangerous to be suffered to remain. If, on the other hand, it was a prerogative for the good of the people—if, indeed, the word "people" was not expunged from our political dictionary—the good of the people being the only foundation that he knew for any prerogative, it was fit that it should be clearly defined and understood, either by an enacting or a declaratory law.

In answer to lord Mulgrave, Mr. Fox paid a handsome compliment to his learned friend Mr. Erskine, to whose abilities and perseverance it was owing, that the verdict of a jury could now be had on the guilt or innocence of any writing charged as libellous. He said, that his learned friend would have been guilty of a breach of honour in his profession if he had shrunk from the defence of Mr. Paine, or showed that any man prosecuted in this country could be deprived of the advan-

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tage of counsel, where counsel was allowed by law.—To the charge of inconsistency in having signed the declaration of a society against seditious writings, while he thought such societies illegal, he said he did not understand the declaration as meaning to prosecute any writings by subscription; he had by what he said at the meeting expressly guarded himself in this particular, and was told that the money subscribed was not for any such purpose, but to pay for papers and advertisements. If he had misunderstood the one, or been misinformed in the other, he would withdraw his name. He had signed a declaration of attachment to the constitution, because he thought it of importance at the present moment to let foreigners, and especially the French, see that men of all descriptions were firmly attached to it; that they had been grossly deceived by the addresses from this country, which told them that their doctrines were very generally adopted here; that they had been deceived by the minister's proclamations, stating that there was great danger from their doctrines; that they had been deceived by the alarms expressed by some of his own friends. This he had done, and every thing consistent with honour he would still do to prevent a war with France; more especially a war on false hopes, on one part, and false grounds on the other.

On the subject of party-comexions it was seldom proper—at all times difficult—to speak, and he was not called upon to do it. He would only just show his hon. friend a few of the consequences arising from the doctrine he had laid down. His hon. friend would oppose a ministry where he had hopes of turning them out, and seeing his friends get into their places: but when those hopes were at an end he would join them. Many of those who had formerly opposed ministers had done so; more would follow their example; but they had never dreamt that they should have so good a defence for their conduct as the system of his hon. friend—a doctrine much more convenient for others than he was sure it would be for himself. Did his hon. friend see the consequences of this doctrine? Could he, upon reflection, reconcile it with his high notions of honour? Was it a fit lesson to teach ministers, that, if by their misconduct the public safety was brought into danger, then they should have the support of those who had before opposed them? Was it proper thus to hold out a reward to misconduct? Would it curb the inordinate and selfish ambition of men in power to say, that if he thought them so good as to resign their places rather than their country should suffer, he would oppose them: but if he thought them so bad as to sacrifice their country to their own love of peace, he should feel himself bound not only to withdraw his opposition, but to join them? Thus his hon. friend held out a premium to a wicked and pernicious ambition, and, in fact, said to ministers, in order to retain your places, and ensure our support to your power, you have only to bring the country to the brink of ruin. If his hon. friend did join ministers, they would not have much reason to be proud; for, on his own principle, in proportion to the support he gave them, would be his bad opinion of those to whom he went, and his good opinion of those whom he had left. Mr. Fox concluded with moving, "That the farther consideration of the bill be postponed to that day three weeks," in order, he said, to give time for inquiry into the grounds of the necessity alleged for adopting it.

Mr. *Pitt* said, that he felt himself called upon to speak on the present occasion, though from the circumstance of his absence on former debates, the ground of discussion had already been pre-occupied. He observed that a great variety of matter had been introduced into the present debate: and though he thought that the bill before the House might be justified upon much narrower ground, still he did not complain of any irregularity, as he considered that matter as connected with the situation of affairs from which arose the necessity for the present measure. The right hon. gentleman who spoke last had assumed as a principle, that no bill of this sort ought to be brought forward, except upon some ground of positive circumstances upon which it was founded being stated in the preamble. He must remark, however, that this objection came rather too late, after four or five discussions had already taken place, more especially with respect to a bill which was from its nature urgent, and which if it was proper to be passed at all, ought to be passed immediately. That the right hon. gentleman who had declared himself an enemy to the principle of the bill, should propose a delay of three weeks in

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order to inquire into the circumstances upon which it was founded, was not surprising; and as this delay would take place chiefly during the holidays, a season by no means favourable to the forwarding of such an inquiry, the proposition was almost tantamount to the rejection of the bill; but it was by no means probable that those who approved of the principle of the bill, who thought it called for by the circumstances of the time, would easily be brought to concur in such a delay. The only ground, indeed, upon which this delay could be justified, was, that the bill was an object of juridical and not of legislative deliberation. But would the right hon. gentleman deny, that the propriety of the executive government interfering in particular circumstances to send strangers out of the country, or to regulate their residence while they should remain in it, was a fair object of legislative deliberation? On different occasions, in the history of this country, the Habeas Corpus act had been suspended without any previous notice having been given. The present bill he considered as a measure of precaution, no less fair when there occurred an occasion that called for it, than an augmentation of the naval or military force of the country: it was founded in facts of notoriety, and the most evident deductions of reasoning. If he was called upon to state the particular grounds upon which the bill was founded, the only difficulty which he should find, was, that these grounds were in themselves far greater than the magnitude of the measure. If he should only state, that by some extraordinary occurrence, some unforeseen and inevitable calamity of nature, great numbers of foreigners had come into this country without the means of subsistence, without being brought here for any purposes of commerce, or without any possibility of discrimination, even this he should consider as affording a sufficient object of jealousy and attention; but when it appeared, that these persons came from a country whose principles were inimical to the peace and order of every other government; and though many of them, no doubt, had fled here in order to find a refuge from the sword of persecution, there was but too much reason to suspect, that among these had mingled emissaries for prey, regard for our own interests and for the safety of the country, enforced the necessity of peculiar vigilance.

In addition to all these circumstances, we find that in the councils of that country, from which these persons had come, there had been adopted a system of propagating, by every means of art and force, principles inimical to the government of every country, and that they were now actually carrying on a war against the established government of other countries, under the specious pretext of promoting the cause of freedom. When he had stated these circumstances, would it be said that the present bill had been brought forward without any evidence or ground of danger? But he now came to the climax of all. In this country itself there had been found persons who professed the same principles with those maintained in the councils of that neighbouring state, and held out the model of their government as an object of applause and imitation; nay, who had industriously propagated, and publicly avowed, that they acted with them in concert: they had held a correspondence with the affiliated societies of Jacobins; they had presented addresses to the Convention, and had there been received, encouraged, and cherished, and had, in return, met with offers of fraternity and succour. Was there, then, not reason to suppose, that persons might have been sent to this country, with a view of carrying on that concert? Was not this obvious to the understanding and feelings of every gentleman present? He should state nothing from his own personal information, as he considered that there was, in the present instance, sufficient ground of action and decision without such information: he should only, in general, say, that, as far as he had opportunity of knowing, he had reason to be confirmed in every suspicion, which arose from that situation of affairs which he had now described. It had been asked, what were the number of those who had been concerned in enormities too shocking to relate in a neighbouring state, who were now in this country? He trusted, however, that the progress of the bill would not be stopt to inquire, by a select committee, what was the number of these pesons, whether they were eighteen or nineteen; what was the degree of mischief which they might commit, or whether they had been sent here for the most horrid of all purposes, with respect to the royal family. In all such inquiries the evidence that could be obtained was only by hearsay, which was

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always uncertain. The number of those persons, he could affirm, who had been concerned in such shocking enormities, and were now in this country, had been stated from good authority, and it was from a mistake that a noble person had been represented as having from no authority given any account of their number. But if he knew that there was one, that alone afforded sufficient ground of suspicion that there were more. And if there were more, it was to be recollected, that these were not to act upon their single strength, but in conjunction with those in this country, who entertained seditious views. In this point of view, it was to be remarked, that a mob, which might at any other time be disregarded, became in such a situation truly alarming, the smallest spark might produce an explosion, while there were a set of desperate individuals determined to take advantage of every public commotion, and convert it to their own purposes. The danger then arose not from individual strength, but from the consideration of the whole of the situation of the country. A great number of foreigners had come into it; there were no means of discriminating their characters; and as they valued the safety of the country, it became necessary that, at the present moment, these should be objects of prudence and vigilance. He was a little surprised how it was possible, in the present instance, to separate domestic from external danger. He should have considered the domestic alarm as sufficient ground for the present bill, much more when to it was added the consideration of external danger. If there were persons at home disaffected to the constitution, and desirous of overturning the established form of government, and if these were in concert with persons abroad, he should certainly consider this not as a less reason to guard against machinations at home, and to watch the conduct of those abroad. Was it not an evident consequence of this concert that the danger must be increased, as the domestic and external danger would mutually operate upon each other? Yet, after all that had been stated, there are some who pretend to tell us, that they fear no internal alarm, that they see no cause of danger. Notwithstanding the general sentiment of the country and of that House, they have the hardihood to treat the whole as the effect of ministerial artifice. Had ministerial artifice made those who had hitherto acted upon a system of opposition, now concur in the opinion of this danger? Had it made all the members in that House, except ten or fifteen, agree in the same sentiment? Had ministerial artifice excited but one opinion in the country with respect to this danger, from one end of it to the other? But it was said, that the alarm had been produced by the measures of calling out the militia, and assembling parliament: he would ask, whether the week before these measures had been adopted, the appearance of alarm had been greater or less than the week after, or at the present moment? He had expected his exertions on the present occasion to be seconded by the efforts of the friends of order; but he could hardly expect that the effect would be so great as that the alarm, which had lately prevailed in some places to a degree of despondency, should be so completely annihilated, that even the existence of the danger should in a short time after be called in question. But he should be sorry that the effect produced should be a sense of security, which must be fatal. While vigilance was maintained, he should consider the country to be safe. Those whom it was necessary to guard against were those who, in the moment of alarm, placed their hopes in obscurity, and waited till that alarm should have subsided in order to renew their machinations.

He should now shortly point out what were the leading circumstances of the present time. What had they seen? They had seen within two or three years a revolution in France, founded upon principles which were inconsistent with every regular government—which were hostile to hereditary monarchy, to nobility, to all the privileged orders, and to every sort of popular representation, short of that, which would give to every individual a voice in the election of representatives. Writings had been published in this country, holding out this government as an object of envy, and a model of imitation, decrying every other form of government as founded in injustice, and inconsistent with the unalienable rights of man; representing this new system as holding out relief to the poor, inculcating a more pure and simple system of morals, and enlarging the circle of social happiness. How far it deserved this character, its own practice would best prove. Societies had been formed in

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different manufacturing towns, upon the model of the Jacobin societies in France, where the utmost art and industry had been employed to inflame the passions and mislead the judgment of the lower classes, and where the doctrines inculcated might be supposed to be attended with the worst effect. These societies carried on correspondence with the societies and councils of France, and received from them assurances of support. In addition to all this, we have seen a code of laws adopted in France hostile to every other government, a system of anarchy and ambition, setting at defiance all regular authority, and treating as unlawful every thing which has been sanctioned by the laws of other countries. They had witnessed the effects of this anarchy in the country in which it had taken place: they had seen the progress of that ambition extending the same anarchy to other countries. Their new law of nations went to establish their government wherever they should carry their arms. As their ambition was unbounded, so the anarchy which they hoped to establish was universal. From the conduct which they had already exhibited, a judgment might be formed of the future course which they would pursue. Under the specious pretext of promoting the cause of freedom, they had shown no scruple to annex the territories of their neighbours to their own dominions, and to force upon the inhabitants of the countries which they had entered, that freedom, which they were unwilling to receive, and of which certainly the state of their own country did not afford a very flattering specimen. Their own declarations had shown that their views were not confined to particular countries; that their object was every where to propagate their own system, by all the means which art, industry, or force, could supply. When there were men in this country connected with a people actuated by such principles, and pursuing such a system, it surely became a matter of the most serious consideration. Such being the state of circumstances, he put it to the hearts, consciences, judgments and understandings of gentlemen present, whether there was not serious ground of alarm? He had been told, that the measure of calling out the militia had excited this alarm. With respect to this, there were two questions; first, whether the measure was prudent, and expedient for the national safety; and secondly, whether the laws authorized such a measure. In the circumstances which he had stated, any one insurrection whatever rendered this measure legal. Other motives not only justified it, but rendered it highly prudent. An insurrection, though not immediately directed against government, might give to the seditious an opportunity of striking the blow which they meditated. An insurrection which called out the military (who during the time of peace were not more than sufficient for ordinary purposes), laid the country at the mercy of the seditious, and deprived it of all means of protection. Such was the general view of the state of affairs, combined with which there was a necessity of taking some measure against that influx of foreigners which had poured into the country. While nearly all that House, and all the country agreed with respect to the existence of danger, there were ten or fifteen in the House, who completely denied it; but even these could not agree with regard to the degree of its non-existence. In this respect, they were inconsistent with one another, and in some instances, inconsistent with themselves. The right hon. gentleman who spoke last, though he disapproved of the principles upon which the French acted, and was afraid of the progress of their arms, was not afraid of the progress of their opinions in this country. On this score he apprehended nothing, though it was particularly the interest, and had always been the policy of the French to sow divisions in those countries; against which they entertained views of hostility—a policy which, in the present instance, could not be better answered, than by propagating their sentiments. Opinions, that right hon. gentleman had stated, were not to be opposed by force; they were to be resisted, first by neglect and contempt, the mode of which he seemed most to approve; secondly, by argument and reasoning; and lastly, by prosecution, which, however, he did not greatly commend. He would only ask, what sort of opinions were those to which the right hon. gentleman had alluded? Serious and conscientious opinions, founded upon sober and dispassionate reasoning, ought always to be treated with deference; but surely, with regard to wild and violent notions, assuming the name of opinions, but tending to overturn every established government, and to introduce anarchy

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and confusion, a different mode of conduct was to be observed. Those opinions which the French entertained were of the most dangerous nature; they were opinions professed by interest, inflamed by passion, propagated by delusion, which their successes had carried to the utmost excess, and had contributed to render still more dangerous. For, would the right hon. gentleman tell him that the French opinions received no additional weight from the success of their armies? Was it possible to separate between the progress of their opinions and the success of their arms? It was evident that the one must influence the other, and that the diffusion of their principles must keep pace with the extent of their victories. He was not afraid of the progress of French principles in this country, unless the defence of the country should previously be undermined by the introduction of these principles.

A noble earl had said, that if a war should take place, the blame of that war must entirely belong to ministers. He would here beg leave to refer to the conduct of France. She had first denied the obligation of a treaty, which, though sometimes called absolute, had been considered as the corner-stone of the balance of Europe, and repeatedly renewed; which had been coeval with the establishment of Dutch freedom, and was in fact necessary to the existence of the independence of Holland—a treaty in which France could have no concern, except in fulfilment of its own stipulation, to guard it against infringement: and which could only be matter of question between the sovereign of the Dutch republic, and the sovereign of the Austrian Netherlands. France could only have one of two motives for interference—either as assuming to act as sovereign of the Netherlands, or because she has proclaimed a new code of the law of nations, by which she presumes to dictate to every country and to model every government by her own standard. Could we then, in this country, without abandoning the faith due to an ally, submit to so insolent and unjust a claim as that of opening the Scheldt on the part of the French. But they affected, upon their present system, to despise all treaties, and to regard the one in question as extorted by avarice, and consented to through despotism. The second circumstance to which he should call their attention was, their decree of the 19th of November. By this decree, the French engaged to assist all people in procuring their freedom—such a freedom, he supposed, as they themselves enjoyed. We had seen French freedom in definition; we had seen it in illustration; and we had now an opportunity of comparing the theory with the practice. Their conduct in Flanders afforded a specimen of the nature of their freedom. They had there endeavoured to propagate their doctrines, but finding the inhabitants not disposed to give them so favourable a reception as they could have wished, they had taken the method of inculcating opinions of freedom by force. Their general had issued a proclamation, that whoever should not embrace the tree of liberty, should be cut off as a wretch unfit to live. The noble earl had talked of their having given an explanation with respect to this decree. What sort of explanation had they given? They had stated that it was not their intention to assist a few individuals, but only to interfere in cases where a great majority of the people should be disposed to shake off their government; so that, in fact, it was their intention to promote rebellion in other countries, and to declare war against all established governments. This sort of war was a war against all legitimate power, and which was only to terminate in its extinction. Formerly, the splendour of conquest had in some measure been pursued by the respect which had been paid to the government and rights of the conquered. The Romans were careful to preserve the government, the habits, and customs of those nations which they had vanquished, considering that as the best security for their conquests. For the present age had been reserved the idea of a war of extirpation—a war which should tend to annihilate whatever had been held most dear and valuable. This was a sort of war which had never been carried on even by despots, and which was only exemplified in the conduct of those modern republicans who held out a system of what they called freedom and happiness. An hon. major had declared, that the whole of the danger which had been held out, and the consequent alarm which had been excited in this country, was a mere delusion, effected by the artifices of ministers. That hon. gentleman had at the same time stated, that the uniform misconduct of ministers, since they came into

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power, was sufficient to have occasioned all the mischiefs which had been described, and to bring any country into a state of the greatest calamity. If this was the case, he, for one, could not but rejoice, that all these mischiefs and all this calamity amounted to nothing more than delusion. And while the hon. gentleman had deprecated all the evils brought on the country by the misconduct of ministers, and particularly the danger of a war, to which it might be exposed, he had represented the present state of prosperity to be so great as to render it improper to go into this war. He should not attempt to reply to these arguments until they were a little more consistent. A noble marquis had accused ministers with want of care, in not having sooner prosecuted those seditious publications which had occasioned so much alarm. He should only say, that ministers had been charged by other hon. gentlemen with having gone too far in the way of prosecution. He trusted it would appear, that there had been no want of vigilance on the part of ministers. Within the two or three last years, many seditious writings had been published, but it was not till last year that they had assumed so much importance, as to render them fit objects of the attention of ministers. The proclamation had then been issued, a measure which the noble marquis and others of his friends approved, in which they had engaged to co-operate; and, had it appeared to them that there were any seditious publications which had escaped attention, and ought to have been punished, it was their duty to have fulfilled their pledge of concurring in the measures of the proclamation, by bringing these forward to notice. The noble marquis had likewise accused ministers with having occasioned the present danger, by their neglect, which they might have obviated by earlier preparation, and a more speedy interference. He would only remark, that it was not till lately that the danger had been brought near to this country and its allies. It was only the retreat of the duke of Brunswick, and the success of the French arms, with the consequences that had followed, events so rapid and unexpected, which it was impossible to foresee, and which defied even the smallest conjecture, which rendered the danger so imminent, and the necessity of preparations so urgent on the part of this country. It was not till lately the situation of affairs had occurred, productive of so much alarm to our allies, and which rendered indispensable that some active measures should be adopted. If the retreat of the duke of Brunswick was sudden, and contrary to every view which was then entertained, no less so had been the events by which it had been followed. The progress of French arms, and the enlargement of their views of ambition in proportion to the extent of their conquests, the effects of their new doctrine of the law of nations, had all succeeded one another so quickly, as to afford no time for precaution. The danger had made an alarming progress before any means could be taken to prevent it. It was not till lately that the opening of the Scheldt had occurred; an infringement of the stipulations of treaties, and an invasion of the rights of our allies, the Dutch, which rendered it absolutely necessary for this country to interfere, more especially as it seemed to open the way for farther violations of treaty, and more extended acquisitions of conquest. It was not till the 19th of November that the decree had passed, which menaced hostility to every government. As soon as the danger could be ascertained, measures had been taken to meet it, and there had been no want of vigilance on the part of ministers. He trusted that they would all concur to meet the present emergence by suitable measures, to obviate the danger by the most effectual means which could be devised, and unite their strength for the safety of the country, and in support of the constitution.

The report of the bill was then agreed to; after which the bill was read a third time and passed.

The King's Message relative to the Correspondence between M. Chauvelin and Lord Grenville—And for an Augmentation of the Forces.] Jan. 28. Mr. Secretary Dundas presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty has given directions for laying before the House of Commons, copies of several Papers which have been received from Mr. Chauvelin, late minister plenipotentiary from the Most Christian king, by his Majesty's secretary of state for foreign affairs, and of the Answers returned thereto; and likewise copy of an Order made by his Majesty

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in council, and transmitted by his Majesty's commands to the said Mr. Chauvelin, in consequence of the accounts of the atrocious act recently perpetrated at Paris.

"In the present situation of affairs, his Majesty thinks it indispensably necessary to make a further Augmentation of his Forces by sea and land; and relies on the known affection and zeal of the House of Commons to enable his Majesty to take the most effectual measures, in the present important conjuncture, for maintaining the security and rights of his own dominions; for supporting his allies; and for opposing views of aggrandizement and ambition on the part of France, which would be at all times dangerous to the general interests of Europe, but are peculiarly so, when connected with the propagation of principles which lead to the violation of the most sacred duties, and are utterly subversive of the peace and order of all civil society. *G. R.*"

The Message was ordered to be taken into consideration on the 31st. instant.

Correspondence between M. Chauvelin and Lord Grenville.] Mr. Secretary Dundas presented to the House, by his Majesty's command, the following

COPIES OF CORRESPONDENCE BETWEEN M. CHAUVELIN AND LORD GRENVILLE.

No. I.—NOTE delivered by M. Chauvelin to lord Grenville, May 12th, 1792.

The undersigned minister plenipotentiary of his majesty the king of the French, is ordered by his court to transmit to his excellency lord Grenville, secretary of state to his Britannic majesty for the department of foreign affairs, the following Note:

The king of the French, in sending a minister plenipotentiary to London, has especially charged him to commence his mission by manifesting to the British government the powerful reasons which have determined France to a war with the king of Hungary and Bohemia. He has thought that he owes this manifestation to the purity of the intentions which animate him, as well as to the laws of good neighbourhood, and to the value which he attaches to every thing which may maintain confidence and friendship between two empires, who have at this moment, more than ever, reasons for drawing near each other, and uniting themselves together.

Having become king of a free nation, after having sworn to support the constitution it has given herself, he cannot but deeply feel all the attacks designed against that constitution; and his probity alone would have induced him to prevent and combat them.

The king has seen a great conspiracy formed against France, the agents of this league concealing, under an insulting pity for him, the preparations of their designs; and his majesty has had the grief to count among them Frenchmen, whose fidelity appeared to be guaranteed by so many powerful motives and private ties.

The king has not been sparing of the means of persuasion to bring them back to their duty, and to break this threatening league, which supported and strengthened their guilty hopes. But the emperor Leopold, the promoter and declared leader of this great conspiracy, and after his decease Francis, king of Hungary and Bohemia, have never sincerely answered any of the candid and reiterated demands of the king.

After being wearied by delays and vague answers, the impatience of the French increasing daily by new provocations, those princes have successively avowed the coalition of the powers against France. They never justified themselves for the part they had taken in it, or for that they were still taking. Far from showing themselves disposed to dissolve it by their influence, they have sought to connect it with facts, which in the first place were foreign to it, and upon which France has never refused doing justice to the interested parties. And, as if the king of Hungary were desirous of consecrating the perpetuity of the attack he makes on the sovereignty of the French empire, he has declared that this coalition, equally injurious to the king and to the nation, *could not cease until France should remove the serious causes which had given rise to it*, that is to say, so long as France, jealous of her independence, would not give up the smallest point of her new constitution.

Such an answer, preceded and supported by preparations most evidently hostile, and by an ill-concealed protection of the rebels, must have appeared to the National Assembly, to the king, and to all France, as a manifest aggression; for it is commencing war to announce that troops are assembled and called in all quarters, in order to constrain the inhabitants of a country to alter the form of government which they have freely chosen, and sworn to defend.

Such is the sense and, as it were, the substance, of all the evasive answers of the emperor and king of Hungary's ministers, to the simple and candid explanations which the king required of them.

Thus the king saw himself forced into a war, which was already declared against him; but, religiously faithful to the principles of the constitution, whatever may finally be the fate of arms in this war, France rejects all ideas of aggrandizement. She will preserve her limits,

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her liberty, her constitution, her inalienable right of reforming herself, whenever she may think proper: she will never consent that, under any relation, foreign powers should attempt to dictate, or even dare to nourish a hope of dictating laws to her. But this very pride, so natural and so just, is a sure pledge to all the powers, from whom she shall have received no provocation, not only of her constantly pacific dispositions, but also of the respect which the French will know how to show, at all times, for the laws, the customs, and all the forms of government of different nations.

The king, indeed, wishes it to be known, that he would publicly and severely disavow all those of his agents at foreign courts in peace with France, who should dare to depart an instant from that respect, either by fomenting or favouring insurrections against the established order, or by interfering in any manner whatever in the interior policy of such states, under pretence of a proselytism, which, exercised in the dominions of friendly powers, would be a real violation of the law of nations.

The king hopes that the British government will see in this exposition the incontrovertible justice, and the necessity of the war, which the French nation maintains against the king of Hungary and Bohemia; and that he will moreover find in it that common principle of liberty and independence, of which they ought not to be less jealous than France. For England is free likewise, because she determined to be so; and assuredly she did not suffer other powers to attempt to compel her to alter the constitution she had adopted, to lend the smallest assistance to rebellious subjects, or to pretend to interfere, under any pretence, in her interior disputes.

Persuaded that his Britannic majesty is not less ardently desirous than himself of seeing the good understanding and union between the two countries consolidated and strengthened, the king demands, that, conformably to the 4th article of the treaty of navigation and commerce of the 26th September 1786, his Britannic majesty shall remind all his subjects of Great Britain and Ireland, and publish it in the accustomed manner, in those two kingdoms, and in the islands and countries dependent upon them, an express prohibition to exercise against France, or against the ships of France, any hostility, by cruizing on the seas, or to take out any patent, commission, or letters of reprisals, from the different princes or states who are or shall be at war with France; or to make use, in any manner, of such patents or commissions.

The king requires besides, that all the articles of the aforesaid treaty, which relate to the case of one of the contracting powers being at war, and especially the 3d, 16th, 24th, 39th, 40th, and 41st articles, shall be punctually observed and executed, in the same manner as his majesty is determined to act on his part respecting all the stipulations of this treaty.

The minister plenipotentiary of France,

CHAUVELIN.

London, 12 *May* 1792,
4th year of French Liberty.

No. II.—NOTE from Lord Grenville, to M. Chauvelin, dated Whitehall, May 24th, 1792.

The undersigned secretary of state to the king has had the honour of laying before his majesty the official note which M. Chauvelin transmitted to him the 15th instant. He has orders to testify to that minister how truly sensible his majesty ever is to the proofs of friendship and confidence which he receives on the part of his most Christian majesty, and with how much sincerity he returns them by sentiments perfectly reciprocal.

His majesty could not learn without the deepest regret that a war has broken out between his most Christian majesty and his majesty the king of Hungary and Bohemia. This sentiment is equally inspired by his love for humanity, by the interest he takes in the maintaining the tranquillity of Europe, and by his sincere wishes for the personal happiness of their most Christian and apostolic majesties, and for the prosperity of their dominions. In the present circumstances he thinks it right to abstain from entering into a discussion of the motives and the steps on each side which have brought on a rupture so afflicting to a sovereign, the neighbour and friend of the two belligerent parties.

Confining himself, therefore, to expressions of the wishes he will never cease to form for the speedy and permanent re-establishment of peace, he does not hesitate, however, to give to his most Christian majesty the direct and positive assurance of his readiness to fulfil, in the most exact manner, the stipulations of the treaty of navigation and commerce of which his most Christian majesty requires the execution.

Faithful to all his engagements, his majesty will pay the strictest attention to the preservation of the good understanding which so happily subsists between him and his most Christian majesty; expecting with confidence, that, animated with the same sentiments, his most Christian majesty will not fail to contribute to the same end, by causing, on his part, the rights of his majesty and his allies to be respected, and by rigorously forbidding any step which might affect the friendship which his majesty has ever desired to consolidate and perpetuate for the happiness of the two empires.

(Signed) GRENVILLE.

No. III.—NOTE from M. Chauvelin to Lord Grenville, May 24th, 1792.

The under-signed minister plenipotentiary from the king of the French to his Britannic Majesty, has the honour to state to his excel-

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lency lord Grenville, minister of state for foreign affairs,

That the royal proclamation published the 21st of this month, and communicated to the two Houses of Parliament, contains some expressions which might, contrary to the intentions of the British ministry, give weight to the false opinions which the enemies of France endeavour to circulate with respect to her intentions towards Great Britain.

If certain individuals of this country have established a correspondence abroad, tending to excite troubles therein, and if, as the proclamation seems to insinuate, certain Frenchmen have come into their views, that is a proceeding wholly foreign to the French nation, to the legislative body, to the king, and to his ministers; it is a proceeding of which they are entirely ignorant, which militates against every principle of justice, and which, whenever it became known, would be universally condemned in France. Independently of those principles of justice, from which a free people ought never to deviate, is it not evident, from a due consideration of the true interests of the French nation, that she ought to desire the interior tranquillity, the continuance and the force of the constitution of a country which she already looks upon as her natural ally?

Is not this the only reasonable wish, which a people can form, which sees so many efforts united against its liberty? The minister plenipotentiary, deeply sensible of these truths, and of the maxims of universal morality upon which they are founded, had already represented them in an official note, which he transmitted to the British ministry the 15th of this month, by the express orders of his court; and he thinks it his duty to repeat, on the present occasion the important declarations it contains:

"Religiously faithful to the principles of its constitution, whatever may be definitively the fortune of her arms in this war, France repels every idea of aggrandisement; she wishes to preserve her own limits, her liberty, her constitution, and her inalienable right of reforming herself, whenever she shall judge proper: she will never consent that foreign powers should in any shape dictate, or should dare to nourish a hope of dictating laws to her; but this very pride, so natural and so just, is a pledge to all the powers from whom she shall have received no provocation, not only of her constantly pacific dispositions, but also of the respect which the French will at all times know how to pay to the laws, the usages, and all the forms of government of different people. The king also desires that it may be known, that he would disavow, decidedly and severely, all those of his agents in foreign courts at peace with France, who might dare to deviate a moment from this respect, either by fomenting or by favouring revolts against the established order, or by interfering in any manner whatever in the internal politics of those states, under pretext of making proselytes, which, exercised towards friendly powers, would be a real violation of the law of nations.

"The king hopes that the British government will see in this exposition the incontrovertible justice, and the necessity of the war, which the French nation carries on against the king of Hungary and Bohemia, and that it will further find therein, that common principle of liberty and independence, of which it ought not to be less jealous than France; for England also is free, because she would be so, and certainly she has not suffered that other powers should constrain her to change the constitution which she has adopted, that they should lend the least assistance to her rebellious subjects, nor that they should pretend to interfere, under any pretext, in her internal discussions."

The honour of France, her desire of preserving and augmenting a good understanding between the two countries, and the necessity of clearing up every doubt as to her dispositions, requiring that they should be as publicly known as possible, the under-signed minister plenipotentiary requests that lord Grenville would communicate this official note to the two Houses of Parliament, previous to their deliberating on the proclamation of his Britannic majesty of the 21st of May. He seizes this opportunity of renewing, &c.

The minister plenipotentiary of France,

(Signed) F. CHAUVELIN.

London, May 24th, 1792,
Fourth Year of French Liberty.

No. IV.—LETTER from Lord Grenville to M. Chauvelin, dated Whitehall, May 25, 1792.

I have already had the honour, Sir, to acknowledge the receipt of the note which you addressed to me, dated yesterday.

Desiring, with ardour and sincerity, to maintain, in all the affairs that I may have the honour to treat with you, that harmony and cordiality which correspond with the intentions of the king, it is with regret that I find myself under the necessity of making to you the following observations on the subject of that paper:—I am persuaded that it was not at all your intention to deviate from the rules and forms established in this kingdom for the correspondence of the ministers of foreign courts with the king's secretary of state for this department. But it was impossible for me not to remark that in your last note, the only question relates to a communication which you desire me to make to the two Houses of Parliament, before they deliberate upon an object which you appear to believe they were about to discuss. It is necessary for me to observe to you, Sir, that in my quality of secretary of state to his majesty, I cannot receive any communication from a foreign minister, but in order to lay it before the king, and to receive his majesty's

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commands thereupon; and that the deliberations of the two Houses of Parliament, as well as the communications which his majesty shall be pleased to make to them, relative to the affairs of the kingdom, are objects absolutely foreign to all diplomatic correspondence, and upon which it is impossible for me to enter into any discussion whatever with the ministers of other courts.

This, Sir, is the only answer which it will be possible for me to return to the note in question; which, as well in its form as in its object, cannot be considered as a regular and official communication, I shall always feel the greatest pleasure in reporting to his majesty the assurances which you may be authorised to give me for that purpose, of the friendly dispositions of your court; and I desire you to accept, &c.

GRENVILLE.

No. V.—LETTER from M. Chauvelin to lord Grenville, dated Portman-square, May 25, 1792.

I have this moment, my lord, received the letter which you have done me the honour to write to me on the subject of the note which I sent you yesterday, the 24th instant. I have the honour to thank you for the obliging manner in which it is expressed. You have done justice to my intentions, in believing that I did not intend to depart from the established rules and forms of this kingdom.

I by no means thought, when I presented that note to you, that the demand contained in it ought not, as well as all others, to be laid before the king of Great Britain; it was expressly in the intention of giving to his majesty fresh assurances of deference and respect for the British government, that I did myself the honour of making that last notification: and it being my desire to make this manifestation of the dispositions of the French government as public as possible, I thought it best to beg you to communicate it to both Houses of Parliament.

In making this request, my lord, I intended to obviate the false interpretations which might be occasioned in the two Houses by the article of the proclamation, which is the subject of it; I flattered myself by this means to contribute towards the maintenance of that harmony, and of that cordiality between the two states, of which I with joy remarked the expression in the assurance which you gave me, that it is no less desired by his Britannic majesty than by the king of the French.

As to the rest, my lord, any other form which it may suit you to adopt, and which may render very public the sentiments of France, her true dispositions with regard to England, and the orders which I have received from the king of the French, and which I have communicated to you, will equally answer the wish of the French government. Please to accept, &c.

(Signed) F. CHAUVELIN.

No. VI.—NOTE from M. Chauvelin to Lord Grenville, received June 2, 1792.

The under-signed minister plenipotentiary from the king of the French to his Britannic majesty has the honour to state to his excellency lord Grenville, minister of state for foreign affairs, that the royal proclamation, published the 21st of this month, and communicated to the two Houses of Parliament, contains some expressions which might, contrary to the intentions of the British ministry, give weight to the false opinions which the enemies of France endeavour to circulate with respect to her intentions towards Great Britain.

If certain individuals of this country have established a correspondence abroad, tending to excite troubles therein, and if, as the proclamation seems to insinuate, certain Frenchmen have come into their views, that is a proceeding wholly foreign to the French nation, to the legislative body, to the king, and to his ministers; it is a proceeding of which they are entirely ignorant, which militates against every principle of justice, and which, whenever it became known, would be universally condemned in France. Independently of those principles of justice, from which a free people ought never to deviate, is it not evident, from a due consideration of the true interests of the French nation, that she ought to desire the interior tranquillity, the continuance and the force of the constitution of a country which she already looks upon as her natural ally? Is not this the only reasonable wish, which people can form, who sees so many efforts united against its liberty? The minister plenipotentiary, deeply sensible of these truths, and of the maxims of universal morality upon which they are founded, had already represented them in an official note, which he transmitted to the British ministry the 15th of this month, by the express orders of his court; and he thinks it his duty to repeat, on the present occasion, the important declarations which it contains:

"Religiously faithful to the principles of its constitution, whatever may be definitively the fortune of her arms in this war, France repels every idea of aggrandisement; she wishes to preserve her own limits, her liberty, her constitution, and her inalienable right of reforming herself, whenever she shall judge proper: she will never consent that foreign powers should in any shape dictate, or should dare to nourish a hope of dictating laws to her; but this very pride, so natural and so just, is a pledge to all the powers from whom she shall have received no provocation, not only of her constantly pacific dispositions, but also of the respect which the French will at all times know how to pay to the laws, the usages, and all the forms of government of different people. The king also desires that it may be known, that he would disavow, decidedly and severely all those of his agents in foreign courts at

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peace with France, who might dare to deviate a moment from this respect, either by fomenting or by favouring revolts against the established order, or by interfering in any manner whatever in the internal politics of those states, under pretext of making proselytes, which, exercised towards friendly powers, would be a real violation of the law of nations.

"The king hopes that the British government will see in this exposition the incontrovertible justice, and the necessity of the war, which the French nation carries on against the king of Hungary and Bohemia, and that it will further find therein, that common principle of liberty and independence, of which it ought not to be less jealous than France; for England also is free, because she would be so, and certainly she has not suffered that other powers should constrain her to change the constitution which she has adopted, that they should lend the least assistance to her rebellious subjects, nor that they should pretend to interfere, under any pretext, in her internal discussions."

The honour of France, her desire of preserving and augmenting a good understanding between the two countries, and the necessity of clearing up every doubt as to her dispositions, requiring that they should be as publicly known as possible, the undersigned minister plenipotentiary requests that lord Grenville would obtain his Britannic majesty's permission to communicate this official note to the two Houses of Parliament, previous to their deliberating on the proclamation of the 21st of May. He seizes this opportunity of renewing, &c.

The minister plenipotentiary of France,
(Signed) F. Chauvelin.

No. VII.—Note from M. Chauvelin to lord Grenville, dated June 18th, 1792.

The undersigned minister plenipotentiary of his majesty the king of the French has transmitted to his majesty the official note which lord Grenville addressed to him on the 24th of May last, on the part of his Britannic majesty, in answer to that which he had the honour to deliver to him on the 15th of the same month, together with the royal proclamation published in consequence of it. He is directed to assure his Britannic majesty of the due sense which the king entertains of the friendly dispositions, and of the sentiments of humanity, of justice, and of peace, which are so clearly manifested in that answer.

The king of the French observed with care all its expressions, and is happy in consequence to renew to the king of Great Britain the formal assurance that every thing which can interest the rights of his Britannic majesty will continue to be the object of his most particular and most scrupulous attention.

He hastens at the same time to declare to him, conformably to the desire expressed in that answer, that the rights of all the allies of Great Britain, who shall not have provoked France by hostile measures, shall by him be no less religiously respected.

In making, or rather in renewing this declaration, the king of the French enjoys the double satisfaction of expressing the wish of a people, in whose eyes every war which is not rendered necessary by a due attention, to its defence is essentially unjust, and joining particularly in the wishes of his Britannic majesty for the tranquillity of Europe, which would never be disturbed if France and England would unite in order to preserve it.

But this declaration of the king's, and the dispositions of his Britannic majesty, authorize him to hope that he will be induced eagerly to employ his good offices with those allies to dissuade them from granting directly or indirectly, any assistance to the enemies of France, and to inspire them with regard to its rights, that is to say, its independence, with those attentions which France is ready to manifest on every occasion for the rights of all powers who shall observe towards her the terms of a strict neutrality.

The steps taken by the cabinet of Vienna amongst the different powers, and principally amongst the allies of his Britannic majesty, in order to engage them in a quarrel which is foreign to them, are known to all Europe. If public report even were to be credited, its successes at the court of Berlin prepare the way for others in the United Provinces. The threats held out to the different members of the Germanic body to make them deviate from that wise neutrality which their political situation, and their dearest interests, prescribe to them; the arrangements taken with different sovereigns of Italy to determine them to act hostilely against France; and lastly, the intrigues by which Russia has just been induced to arm against the constitution of Poland; every thing points out fresh marks of a vast conspiracy against free states, which seems to threaten to precipitate Europe in universal war.

The consequences of such a conspiracy, formed by the concurrence of powers who have been so long rivals, will be easily felt by his Britannic majesty: the balance of Europe, the independence of the different powers, the general peace, every consideration which at all times has fixed the attention of the English government, is at once exposed and threatened.

The king of the French presents these serious and important considerations to the solicitude and to the friendship of his Britannic majesty. Strongly penetrated with the marks of interest and of affection which he has received from him; he invites him to seek, in his wisdom, in his situation, and in his influence, means compatible with the independence of the French nation, to stop, whilst it is still time, the progress of that confederacy, which equally threatens the peace, the liberty, the happiness of Europe, and

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above all to dissuade from all accession to this project those of his allies whom it may be wished to draw into it, or who may have been already drawn into it from fear, seduction, and different pretexts of the falsest as well as of the most odious policy.

The minister plenipotentiary of France,

(Signed) F. CHAUVELIN.

Portman Square, June 18th, 1792, the 4th Year of Liberty.

No. VIII.—NOTE from lord Grenville to M. Chauvelin, dated Whitehall, July 8th, 1792.

The undersigned secretary of state to his majesty has had the honour to lay before his majesty the note which Monsieur Chauvelin sent him on the 18th of June.

The king always receives with the same sensibility from his most Christian majesty the assurances of his friendship, and of his disposition to maintain that happy harmony which subsists between the two empires. His majesty will never refuse to concur in the preservation or re-establishment of peace between the other powers of Europe, by such means as are proper to produce that effect, and are compatible with his dignity, and with the principles which govern his conduct. But the same sentiments which have determined him not to take a part in the internal affairs of France, ought equally to induce him to respect the rights and the independence of other sovereigns, and especially those of the allies; and his majesty has thought that, in the existing circumstances of the war now begun, the intervention of his counsels, or of his good offices, cannot be of use, unless they should be desired by all the parties interested.

Nothing then remains for the undersigned, but to repeat to M. Chauvelin the assurances of those wishes which his majesty forms for the return of tranquillity, of the interest which he will always take in the happiness of his most Christian majesty; and of the value which he attaches to his friendship, and to the confidence which he has shown him.

(Signed) GRENVILLE.

No. IX.—NOTE from M. Chauvelin to lord Grenville, dated Portman Square, 19th Nov. 1792.

M. Chauvelin has the honour to present his respects to lord Grenville; and requests that he would, as soon as possible, grant him a moment's conversation, and that he would appoint for that purpose the hour and the place, either in town or country, at which it it would be least inconvenient to him to meet him.

No. X.—NOTE from lord Grenville to M. Chauvelin, dated Whitehall Nov. 21st, 1792.

Lord Grenville presents his compliments to M. Chauvelin. He received yesterday evening the note which M. Chauvelin addressed to him, dated the 19th of this month: before he can answer it, he must, under the present circumstances, request M. Chauvelin will be pleased to explain to him the object of the conference which he has desired.

No. XI.—NOTE from M. Chauvelin to lord Grenville, dated Portman Square, Nov. 22d, 1792.

M. Chauvelin has the honour to present his compliments to lord Grenville. He thought that the private conversation which he had the honour to propose to him a few days since, could not, in the present circumstances, without any inconveniency, but have produced advantageous effects: if lord Grenville thinks otherwise, and considers such an interview as useless at this moment, M. Chauvelin will not insist upon it; and will only regret that he has not been able to seize this opportunity of offering his respects to lord Grenville, and of renewing to him assurances of his esteem.

No. XII.—LETTER from lord Grenville to M. Chauvelin, dated Whitehall, Nov. 28th, 1792.

Sir;—I could have wished that you had thought yourself enabled to satisfy the desire which I expressed to you, of knowing the object of the conference you demanded of me some days ago: but as, on reflecting on the situation of affairs, I have thought with you, that the private conversation you proposed to me may be useful under the existing circumstances, I will not refuse it. I will beg of you to be so good as to come to the office for Foreign Affairs to-morrow at noon, if that hour should be convenient to you. In the mean time I renew, &c.

GRENVILLE.

No. XIII.—NOTE from M. Chauvelin to lord Grenville, dated Portman Square, Dec. 27th, 1792, the first year of the Republic.

The undersigned minister plenipotentiary of France has the honour to communicate to his excellency lord Grenville the instructions which he has received from the Executive Council of the French republic, with orders to lay them before his Britannic majesty's secretary of state for the department of foreign affairs, in case he should believe that he could not sufficiently soon obtain an interview with that minister.

The French government, by continuing, since the recall of lord Gower from Paris, to leave at London its minister plenipotentiary, conceived that it gave his Britannic majesty an unequivocal proof of the desire it had to continue to live upon good terms with him, and to dispel those clouds which the events necessary and inherent to the internal regulations of France, appeared at that time to have occasioned. The intentions of the Executive Council of France, with regard to England, have not ceased to be the same; but it

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has not been able to see with indifference the public conduct which the British ministry maintains at present towards France. It is with regret that it has remarked in this conduct, a character of ill will, to which it is yet unwilling to give credit. It has however felt, that its duty to the French nation required it no longer to leave it in a state of uncertainty, into which it had been thrown by several measures recently adopted by the British government—an uncertainty which must be shared by the British nation, and which is equally unworthy of both countries.

The Executive Council of the French republic has, in consequence, authorized the minister of France at London, to demand with openness of the ministers of his Britannic majesty, if France ought to consider England as a neutral power, or as an enemy; and it has especially charged him to obtain a definitive answer upon this point.

But, in asking from the ministers of his Britannic majesty a frank and open explanation as to their intentions with regard to France, the Executive Council is unwilling they should have the smallest remaining doubt as to the disposition of France towards England, and as to its desire of remaining in peace with her; it has even been desirous of answering beforehand all the reproaches which they may be tempted to make in justification of a rupture.

On reflecting what may be the reasons which may determine his Britannic majesty to break with the French republic, the Executive Council has been able to find no other than a false interpretation, which is, perhaps, given to the decree of the National Convention of the 19th of November. If a real alarm has been occasioned by this decree, it can have arisen only for want of understanding its true sense. The National Convention never meant that the French republic should favour insurrections, should espouse the quarrels of a few seditious persons, or, in a word, should endeavour to excite disturbances in any neutral or friendly country whatever. Such an idea would be rejected by all the French. It cannot be imputed to the National Convention without doing it injustice. This decree, then, is applicable only to those people, who, after having acquired their liberty by conquest, may have demanded the fraternity, the assistance of the republic, by the solemn and unequivocal expression of the general will.

France ought and will respect, not only the independence of England, but even that of those of her allies, with whom she is not at war. The undersigned has therefore been charged formally to declare, that she will not attack Holland, so long as that power shall, on its side, confine itself towards her within the bounds of an exact neutrality.

The British government being thus set at its ease upon these two points, no pretence for the smallest difficulty could remain, except as to the question of the opening of the Scheldt, a question irrevocably decided by reason and by justice, of small importance in itself, and on which the opinion of England, and perhaps of Holland itself, is sufficiently known, to render it difficult seriously to make it the single subject of a war.—Should, however, the British ministry avail itself of this last motive, as a cause of declaring war against France, would it not, in such case, be probable, that its secret intention must have been, at all events, to bring on a rupture; and that it made use, at the present moment, of the vainest of all pretences, to colour an unjust aggression, long ago determined upon?

On this unfortunate supposition, which the Executive Council rejects, the undersigned would be authorized forcibly to support the dignity of the French people, and to declare with firmness, that this free and powerful people will accept the war, and repel with indignation an aggression so manifestly unjust, and so little provoked on its part. When every explanation, calculated to demonstrate the purity of the intentions of France, when all peaceable and conciliatory measures shall have been exhausted by her, it is evident that all the weight, all the responsibility of the war, will fall sooner or later on those who shall have provoked it. It will, in fact, be nothing but a war of the administration alone against the French republic; and if this truth could for a moment appear doubtful, it would not perhaps be impossible for France speedily to convince of this a nation, which, in bestowing its confidence, has never renounced the exercise of its reason, or its respect for truth and justice.

Such are the instructions which the undersigned has received orders to communicate officially to his excellency lord Grenville; inviting him, as well as the whole council of his Britannic majesty, to weigh, with the most serious attention, the declarations and the demands which they contain. It is evident that the French nation is desirous of maintaining peace with England; she affords a proof of this, by lending herself frankly and openly to dissipate all the suspicions which so many different passions and prejudices are unceasingly at work to raise up against her; but the more she shall have done to convince all Europe of the purity of her views, and of the justice of her intentions, the more will she have a right to expect no longer to be misunderstood.

The undersigned has orders to demand a written answer to the present note. He hopes that the ministers of his Britannic majesty will be brought back, by the explanations which it contains, to ideas more favourable to the re-union of the two countries, and that they will not have occasion, for the purpose of returning to them, to consider the terrible responsibility of a declaration of war, which will incontestibly be their own work, the consequences of which cannot be otherwise than fatal to the two countries, and to

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human nature in general, and in which a generous and free people cannot long consent to betray their own interests, by serving as an auxiliary and a re-inforcement to a tyrannical coalition.

(Signed) F. Chauvelin.

No. XIV.—Letter from Lord Grenville to M. Chauvelin, dated Whitehall, December 31st, 1792

I have received, Sir, from you a note, in which, styling yourself minister plenipotentiary of France, you communicate to me, as the king's secretary of state, the instructions which you state to have yourself received from the Executive Council of the French republic. You are not ignorant, that since the unhappy events of the 10th of August, the king has thought proper to suspend all official communication with France. You are yourself no otherwise accredited to the king, than in the name of his most Christian majesty. The proposition of receiving a minister accredited by any other authority or power in France, would be a new question, which, whenever it should occur, the king would have the right to decide according to the interests of his subjects, his own dignity, and the regard which he owes to his allies, and to the general system of Europe. I am therefore to inform you, Sir, in express and formal terms, that I acknowledge you in no other public character than that of minister from his most Christian majesty, and that consequently you cannot be admitted to treat with the king's ministers, in the quality and under the form stated in your note.

But observing that you have entered into explanations of some of the circumstances which have given to England such strong grounds of uneasiness and jealousy, and that you speak of these explanations as being of a nature to bring our two countries nearer, I have been unwilling to convey to you the notification stated above, without, at the same time, explaining myself clearly and distinctly on the subject of what you have communicated to me, though under a form which is neither regular nor official.

Your explanations are confined to three points.

The first is that of the decree of the National Convention of the 19th November, in the expressions of which, all England saw the formal declaration of a design to extend universally the new principles of government adopted in France, and to encourage disorder and revolt in all countries, even in those which are neutral. If this interpretation, which you represent as injurious to the Convention, could admit of any doubt, it is but too well justified by the conduct of the Convention itself: and the application of these principles to the king's dominions has been shown unequivocally, by the public reception given to the promoters of sedition in this country, and by the speeches made to them precisely at the time of this decree, and since on several different occasions.

Yet notwithstanding all these proofs, supported by other circumstances which are but too notorious, it would have been with pleasure that we should have seen here such explanations and such a conduct as would have satisfied the dignity and honour of England with respect to what has already passed; and would have offered a sufficient security in future for the maintenance of that respect towards the rights, the government, and the tranquillity of neutral powers, which they have on every account the right to expect.

Neither this satisfaction, nor this security, is found in the terms of an explanation which still declares to the promoters of sedition in every country, what are the cases in which they may count beforehand on the support and succour of France; and which reserves to that country the right of mixing herself in our internal affairs, whenever she shall judge it proper, and on principles incompatible with the political institutions of all the countries of Europe. No one can avoid perceiving how much a declaration like this is calculated to encourage disorder and revolt in every country. No one can be ignorant how contrary it is to the respect which is reciprocally due from independent nations, nor how repugnant to those principles which the king has followed on his part, by abstaining at all times from any interference whatever in the internal affairs of France; and this contrast is alone sufficient to show, not only that England cannot consider such an explanation as satisfactory, but that she must look upon it as a fresh avowal of those dispositions which she sees with so just an uneasiness and jealousy.

I proceed to the two other points of your explanation, which concern the general disposition of France with regard to the allies of Great Britain, and the conduct of the Convention and its officers relative to the Scheldt. The declaration which you there make, that France will not attack Holland so long as that power shall observe an exact neutrality, is conceived nearly in the same terms with that which you were charged to make in the name of his most Christian majesty, in the month of June last. Since that first declaration was made, an officer, stating himself to be employed in the service of France, has openly violated both the territory and the neutrality of the republic, in going up the Scheldt to attack the citadel of Antwerp, notwithstanding the determination of the government not to grant this passage, and the formal protest by which they opposed it. Since the same declaration was made, the Convention has thought itself authorized to annul the rights of the republic exercised within the limits of its own territory, and enjoyed by virtue of the same treaties by which her independence is secured; and at the very moment when, under the name of an amicable explanation, you renew to me in the same terms the pro-

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mise of respecting the independence and the rights of England and her allies, you announce to me, that those in whose name you speak intend to maintain these open and injurious aggressions.

It is not, certainly, on such a declaration as this that any reliance can be placed for the continuance of public tranquillity.

But I am unwilling to leave, without a more particular reply, what you say on the subject of the Scheldt. If it were true that this question is in itself of little importance, this would only serve to prove more clearly, that it was brought forward only for the purpose of insulting the allies of England, by the infraction of their neutrality, and by the violation of their rights, which the faith of treaties obliges us to maintain. But you cannot be ignorant, that here the utmost importance is attached to those principles which France wishes to establish by this proceeding, and to those consequences which would naturally result from them, and that not only those principles and those consequences will never be admitted by England, but that she is, and ever will be, ready to oppose them with all her force

France can have no right to annul the stipulations relative to the Scheldt, unless she have also the right to set aside equally all the other treaties between all the powers of Europe, and all the other rights of England, or of her allies. She can even have no pretence to interfere in the question of opening the Scheldt, unless she were the sovereign of the Low Countries, or had the right to dictate laws to all Europe.

England never will consent that France shall arrogate the power of annulling at her pleasure, and under the pretence of a pretended natural right, of which she makes herself the only judge, the political system of Europe, established by solemn treaties, and guaranteed by the consent of all the powers. —This government, adhering to the maxims which it has followed for more than a century, will also never see with indifference, that France shall make herself, either directly or indirectly, sovereign of the Low Countries, or general arbitress of the rights and liberties of Europe. If France is really desirous of maintaining friendship and peace with England, she must show herself disposed to renounce her views of aggression, and aggrandizement, and to confine herself within her own territory, without insulting other governments, without disturbing their tranquillity, without violating their rights.

With respect to that character of ill-will which is endeavoured to be found in the conduct of England towards France, I cannot discuss it, because you speak of it in general terms only, without alleging a single fact. All Europe has seen the justice and the generosity which have characterized the conduct of the king. His majesty has always been desirous of peace: he desires it still, but such as may be real and solid, and consistent with the interests and dignity of his own dominions, and with the general security of Europe.

On the rest of your paper, I say nothing. As to what relates to me and my colleagues, the king's ministers owe to his majesty the account of their conduct, and I have no answer to give to you on this subject, any more than on that of the appeal which you propose to make to the English nation. This nation, according to that constitution by which its liberty and its prosperity are secured, and which it will always be able to defend against every attack, direct or indirect will never have with foreign powers connexion or correspondence, except through the organ of its king; of a king whom it loves and reveres, and who has never for an instant separated his rights, his interests, and his happiness, from the rights, the interests, and the happiness of his people. I have the honour to be, &c.

GRENVILLE.

No. XV. Translation of a NOTE from M. Chauvelin to Lord Grenville, dated Jan. 7, 1793. (Original returned.)

The undersigned minister plenipotentiary from the French republic has transmitted to the executive council the answer which his excellency lord Grenville has addressed to him on his note of the 27th December. He has thought it his duty not to wait for the instructions which will be the necessary result of it, in order to transmit to that minister the new orders which he has received from the Executive Council. The declaration which lord Grenville has made to him, that his Britannic majesty did not acknowledge him as minister plenipotentiary from the French republic, has not appeared to him as if it ought to prevent him. This declaration cannot in any respect alter or destroy the quality of delegate from the French government, with which the undersigned is evidently invested, or hinder him, in such decisive circumstances, from addressing to the ministers of his Britannic majesty, in the name of the French people, of which he is the organ, the following note:

The Executive Council of the French republic has been informed that the British parliament is about to pass a law relative to foreigners, the rigorous provisions of which will subject them to measures the more arbitrary, as the secretaries of state of his Britannic majesty will have the liberty of restraining or extending them, according to their views and their pleasure. The Executive Council, knowing the religious fidelity of the English people in fulfilling their engagements, could not but suppose that the French would be expressly excepted from this law. The treaty of navigation and of commerce, concluded in 1786 between the states, ought formally to secure them from it. This treaty stipulates, Art. 4. "The subjects and inhabitants of the

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respective dominions of the two sovereigns shall have liberty to come and go freely and securely, without licence or passport, general or special, by land or by sea, and to return from thence, to remain there, or to pass through the same, and therein to buy and purchase, as they please, all things necessary for their subsistence and use, and they shall mutually be treated with all kindness and favour. Provided however, &c. &c."

But instead of finding in the bill proposed a just exception in favour of France, the Executive Council has been convinced, by positive declarations made in the two Houses of Parliament, by ministerial explanations and interpretations, that this project of a law, under a general term of designation, was principally directed against the French.

When the British ministry has proposed a law which would so expressly violate the treaty of commerce, when they have openly announced their intention of putting it into execution against the French alone, their first care, must no doubt, have been to attempt to cover this extraordinary measure with an appearance of necessity, and to prepare before hand a justification, sooner or later necessary, by loading the French nation with reproaches; by representing it to the English people as an enemy of its constitution; by accusing it, without being able to furnish any proof, and in the most injurious terms, with having sought to foment troubles in England. The Executive Council has already repelled with indignation such suspicions. If some men, cast out from the bosom of France, have spread themselves in Great Britain with the criminal intention of agitating the people, of leading them to revolt, has not England laws to protect the public order? Could she not punish them? The republic would assuredly not have interposed in their favour.—Such men are not Frenchmen.

Reproaches so little founded, imputations so insidious, will with difficulty succeed in justifying in the eyes of Europe a conduct, the comparison of which with that constantly held by France towards Great Britain will suffice to demonstrate its injustice and malevolence. The French nation become free, has not only not ceased to express in all forms its desire to strengthen its connexion with the English people, but it has realised this desire with all its power, by receiving as allies, as brothers, all the individuals of the English nation. In the midst of the combats of liberty and of despotism, in the midst of the most violent agitations, it has honoured itself by a religious respect for all foreigners residing within it, and particularly for the English, whatever might be their opinions, their conduct, and their connexions with the enemies of liberty; every where they have been assisted, succoured with every kind of benevolence and favour; and it would be as the reward for this generous conduct that the French would find themselves perhaps alone subjected to an act of parliament, which would grant to the English government the most arbitrary latitude of authority against foreigners, which would subject them to the taking *licenses or passports for coming, going, and remaining in England; which would allow the secretaries of state to subject them without reasons, and on a mere suspicion, to the most odious forms, to fix a circuit, the bounds of which they could not pass, and even to cast them out of the territory of Great Britain at their pleasure.*

It is evident, that all these clauses are contrary to the letter of the treaty of commerce, the fourth article of which extends to all Frenchmen without distinction; and it is too much to be feared, that in consequenee of the determination which his Britannic majesty has thought it right to take, of breaking off all communication between the governments of the two countries, even the French merchants may find themselves frequently unable to avail themselves of the exception which the bill has made in favour of those who "*shall prove that they came to England for affairs of commerce.*"

It is thus that the British government has first chosen to break a treaty to which England owes a great part of its actual prosperity, burthensome to France, wrested by address and ability from the unskilfulness or from the corruption of the agents of a government it has destroyed; a treaty which it has, however, never ceased to observe religiously; and it is at the very moment when France is accused in the British parliament of violating treaties, that the public conduct of the two governments offers a contrast so proper to justify the retorting the accusation.

All the powers of Europe would have a right, doubtless, to complain of the hardship of this bill, if ever it obtained the force of law; but it is France, especially the inhabitants of which, secured from its penalties by a solemn treaty, appear nevertheless to be exclusively menaced by them; it is France that has the right to pretend to a more speedy and more particular satisfaction.

The Executive Council might immediately have accepted the rupture of the treaty which the English government seems to have held out to it; but it was unwilling to precipitate any of its measures; and it has chosen, before it makes known its definitive resolution, to afford the British ministry the opportunity of a frank and candid explanation. The undersigned has received orders, in consequence, to demand of lord Grenville to inform him by a speedy, clear, and categorical answer, whether under the general denomination of foreigners in the bill on which the Houses are occupied, the government of Great Britain means likewise to include the French.

(Signed) CHAUVELIN.

Portman-square, Jan. 7, 1793.
Second year of the French Republic.

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No. XVI.—Note from Lord Grenville to M. Chauvelin, January 7, 1793.

After the formal notification which the undersigned has already had the honour of making to M. Chauvelin, he finds himself obliged to send back to him the inclosed paper, which he received from him this morning, and which he cannot but consider as being totally inadmissible, M. Chauvelin assuming therein a character which is not acknowledged.

(Signed) Grenville.

Whitehall, Jan. 7, 1793.

No. XVII. Letter from M. Chauvelin to Lord Grenville, dated January 7, 1793, received 9th.

Portman-square, January 7, 1793, *2d year of the French Republic.*

My lord; the king of England has prohibited, by a proclamation of the 15th of November, the exportation of grain and flour. Several vessels lawfully freighted, and ready to depart for France, the government whereof had ordered considerable purchases of those commodities in the ports of England, have been stopped, notwithstanding the law which enacts that the ports shall not be shut till fifteen days after the date of the proclamation; and the British ministry have themselves acknowledged the irregularity of some of their measures, by applying to parliament for an act of indemnity. However, the French government, relying at that time on the good dispositions of the British ministry, beheld in those measures of vigour only the effect of the foresight and wisdom of the English administration, and did not think it necessary to remonstrate.

Another proclamation, which soon followed the first, except all foreign wheat from the prohibition of exportation; it was guaranteeing to all Europe the security of transports, by removing, in an authentic and solemn manner, all the doubts to which the first proclamation might have given rise; it was insuring to the English commerce a considerable repository; it was above all distinguishing the ports of Great Britain as a sacred asylum for such vessels laden with grain, and destined for France, as, for their convenience, or by necessity, might be in the case of stopping in their course.

Four weeks after that declaration, some vessels laden with foreign grain, on account of France, were stopped in the English ports; and when the merchants who were commissioned made their claims, they were coldly answered, that it was by order of government.

France, my lord, might still have persuaded herself that some recent and unexpected information upon the state of provisions in Great Britain had obliged administration to take such extraordinary measures; but the English government itself took care to prove to Europe that it had no other motive than an hostile partiality against France, if it is true that the custom-houses received orders to permit the exportation of foreign wheat to all ports, except those of France.

This fact, my lord, has been attested to me by respectable authorities; and however accumulated may be the marks of malevolence and jealousy which France has seen for some time in the conduct of the British cabinet, I still harbour doubts of it. I should, the first moment of my knowing it, have waited upon you, my lord, to be assured from yourself of its certainty, or its falsehood, if the determination taken by his Britannic majesty, in the present circumstances, to break off all communication between the governments of the two countries, had not rendered friendly and open steps the more difficult, in proportion as they became the more necessary.

But I considered, my lord, that when the question of war or peace arose between two powerful nations, that which manifested the desire of attending to all explanations, that which strove the longest to preserve the last link of union and friendship, was the only one which appeared truly worthy, and truly great. I beseech you, my lord, in the name of public faith, in the name of justice and of humanity, to explain to me facts which I will not characterise, and which the French nation would take for granted by your silence only, or by the refusal of an answer.

Think, my lord, that in the bosom of peace, far from all appearance of war, the English government has profited of the good faith of the merchants of Europe, and of the security of a neighbouring and friendly nation, to bring into its ports those commodities of which it supposed or knew the want in that country, if now that same ministry should take advantage of the first hostile measures, which they had either taken themselves, or provoked, to detain such commodities, in the hope, perhaps, that, in the midst of the agitations of that country, it would suffice, to excite the fear of want, to create it; they would only obtain, as the reward of such an act of perfidy, even by the success of their enterprise, the shame of having employed means, which even in the midst of a terrible war, an enlightened and generous nation must abhor, and of having sunk the credit of the English commerce, by violating the sacred asylum of its markets. I have the honour, &c. F. Chauvelin.

No. XVIII.—Letter from Lord Grenville to M. Chauvelin, Whitehall, 9th January, 1793.

It was not till to-day, Sir, that I received your letter of the 7th of this month, relative to certain measures taken here with respect to the exportation of grain.

In the private conversation which we had the 29th of November, in consequence of your desire, I informed you that the king's ministers would not decline receiving non-

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official communications, which, without deciding the question either of the acknowledgment of the new government in France, or of receiving a minister accredited by her, might offer the means of removing the misunderstanding which already manifested itself between the two countries.

It has been thought preferable in France to bring forward difficulties of form; and the first communication which I received from you, after that communication, was that of the note of the 27th December, to which I have already answered. I do not know in what capacity you address me the letter which I have just received; but in every case, it would be necessary to know the resolutions which shall have been taken in France, in consequence of what has already passed, before I can enter into any new explanations, especially with respect to measures founded in a great degree on those motives of jealousy and uneasiness which I have already detailed to you. I have the honour to be, &c.

(Signed) GRENVILLE.

No. XIX.—NOTE from M. Chauvelin to Lord Grenville, 11th January, 1793; received 12th.

The undersigned minister plenipotentiary of the French republic has given an account to the Executive Council, of the form in which lord Grenville has been authorized to reject the explanation which has been offered him in the name and on behalf of the Executive Council, on the subject of the law relative to foreigners. The undersigned, until he has fresh instructions from the council, thinks it his duty not to delay to conform himself to those which he has already received, in declaring to lord Grenville, that the French republic cannot but regard the conduct of the English government as a manifest infraction of the treaty of commerce concluded between the two powers, and that consequently she ceases to consider herself as bound by that treaty, and that she regards it from this moment as broken and annulled.

(Signed) F. CHAUVELIN.

Portman Square, 11th Jan. 1793, the Second year of the French Republic.

No. XX.—Translation of a NOTE from Mr. Aust to M. Chauvelin, dated Whitehall, 13th January, 1793.

Mr. Aust is charged to send back to M. Chauvelin the inclosed paper, received yesterday at the office for foreign affairs.

No. XXI.—LETTER from M. Chauvelin to Lord Grenville, Jan. 12th, 1793.

My lord; I have this instant received a messenger from France, who has brought me an answer to your letter of the 31st. It appears to me, that a conversation with you would be the most suitable form of communicating this answer to you; I have the honour to beg, my lord, that you will grant it me as soon as possible. As I shall not attach any importance to the form of this private conversation, I cannot imagine, especially after your last letter of the 9th, you will see any difficulty in consenting to it. I have the honour to be, &c.

(Signed) CHAUVELIN.

Portman Square, 12th January, 1793, the second year of the Republic.

No. XXII.—LETTER from Lord Grenville to M. Chauvelin, dated Whitehall, 13th Jan. 1793, half past one, P. M.

Conformably with what I have already intimated to you, Sir, I have the honour to inform you, that I shall make no difficulty to receive from you a non-official communication in answer to my letter of the 31st December: but I cannot avoid, under circumstances so critical, to beg that you will put in writing what you have to communicate to me, in order that I may be certain of not being under any mistake in the account which it will be my duty to give of this particular communication. I will therefore beg of you to come to the office for foreign affairs as soon as it may be convenient to you. I have the honour to be, &c.

(Signed) GRENVILLE.

No. XXIII.—LETTER from M. Chauvelin to Lord Grenville, dated Portman-square, 13th January, 1793, the Second year of the Republic.

My lord; the communication which I had the honour to propose to make to you, is already committed to writing. I shall immediately repair to your office to carry it to you. I have the honour, &c. F. CHAUVELIN.

No. XXIV.—TRANSLATION of a Paper delivered by M. Chauvelin to Lord Grenville, January 13, 1793.

Copy of the Paper addressed by M. le Brun to M. Chauvelin, the 8th January, to be communicated to Lord Grenville.

The provisional Executive Council of the French republic, previous to their answering in a more particular manner each of the heads comprised in the note which has been remitted to them on the part of the ministry of his Britannic majesty, will begin by renewing to the said ministry the most express assurances of their sincere desire of preserving peace and harmony between France and England.

The sentiments of the French nation towards the English have been manifested during the whole course of the revolution in so constant, so unanimous a manner, that there cannot remain the smallest doubt of the esteem which it has vowed them, and of its desire of having them for friends. It is therefore with the greatest repugnancy the republic would see herself forced to a rupture, much more contrary to her own inclination than to her interest. Before we come to such an

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unpleasant extremity, explanations are necessary; and the matter is of so high an importance, that the Executive Council did not think it proper to trust it to the ever-unacknowledged ministry of a secret agent; hence they have deemed it to be expedient in all points to charge citizen Chauvelin with it, though he be no otherwise acknowledged before his Britannic majesty, than on the late king's account.

The opinion of the Executive Council was justified on this occasion, by the manner in which our negociations were at the same time transacted in Spain, where citizen Bourgoing was exactly in the same situation as citizen Chauvelin at London; yet this did not prevent the ministers of his Catholic majesty from treating with him for a convention of neutrality, the declaration of which is to be exchanged at Paris, between the minister for foreign affairs, and the Spanish chargé d'affaires. We will even add, that the prime minister of his Catholic majesty, in writing officially on this subject to citizen Bourgoing, did not forget to give him his title of Minister Plenipotentiary from France. The example of a power of the first order, such as Spain, induced the Executive Council to hope to find the same facility at London. However, the Executive Council freely own, that this demand of negociations has not all the rigour of diplomatic form, and that citizen Chauvelin is not regularly enough authorized. In order to remove this obstacle entirely, to discard every reproach of having stopped, by the mere want of formality, a negociation, on the success of which the tranquillity of two great nations is depending, they have taken the resolution of sending letters of credence to citizen Chauvelin, which would furnish him with the means of treating in all the severity of diplomatic forms.

Now, to come to the three points which can alone make an object of difficulty at the court of London, the Executive Council observe, respecting the first, which is the decree of the 19th of November, that we have not been properly understood by the ministry of his Britannic majesty, when they accuse us of having given an explanation *which announces to the seditious of all nations what are the* cases in which they may previously count *on the support and assistance of France.* Nothing could be more foreign than this reproach to the sentiments of the National Convention, and to the explanation we have given of them; and we did not think that it were possible we should be charged with the open design of favouring *the seditious*, at the very moment when we declare, that it would be *wronging the National Convention if they were charged with the project of protecting insurrections, and with the commotions that may break out in any corner of a state, of joining the ringleaders, and of thus making the cause of a few private individuals that of the French nation.*

We have said, and we desire to repeat it, that the decree of the 19th of November could not have any application, unless to the *single case* in which *the general will* of a nation, clearly and unequivocally expressed, should call the French nation to its assistance and fraternity. Sedition can certainly never be construed into *the general will.* These two ideas mutually repel each other, since a sedition is not and cannot be any other than the movement of a small number against the nation at large; and this movement would cease to be seditious, provided all the members of a society should at once rise, either to correct their government, or to change its form *in toto*, or for any other object.

The Dutch were assuredly not seditious, when they formed the generous resolution of shaking off the yoke of Spain; and when the general will of that nation called for the assistance of France, it was not reputed a crime in Henry the Fourth, or in Elizabeth of England, to have listened to them. The knowledge of *the general will* is the only basis of the transactions of nations with each other; and we can only treat with any government whatever on this principle, that such a government *is deemed the organ of the general will of the nation governed.*

Thus, when by this natural interpretation the decree of the 19th of November is reduced to what it truly implies, it will be found, that it announces nothing more than an act of the general will, and that beyond any doubt, and so effectually founded in right, that it was scarcely worth the trouble to express it. On this account, the Executive Council thinks that the evidence of this right might perhaps have been dispensed with by the National Convention, and did not deserve to be made the object of a particular decree. But with the interpretation which precedes it, it cannot give uneasiness to any nation whatever.

It appears that the ministers of his Britannic majesty have nothing to object to the declaration relative to Holland, since the single observation made by them on that subject belongs to the discussion of the Scheldt. It is this last point, therefore, to which we are confined.

We repeat it, this question is in itself of little moment.—The ministers of Great Britain conclude that *it only serves to prove more clearly, that it was brought forward merely for the purpose of insulting the allies of England,* &c. We shall reply with much less warmth and prejudice, that this question is absolutely indifferent to England; that it is of little importance to Holland; but that it is extremely important to the Belgians. That it is indifferent to England it is not necessary to prove; and its trivial import to Holland is evinced by this fact, that the productions of the Belgians pass equally by the canals which terminate at Ostend. Its great importance to the Belgians is proved by the numerous advantages the port of Antwerp presents to them. 'Tis therefore on account of this importance, 'tis to restore to the Belgians the enjoyment of so

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precious a right, and not to offend any one, that France has declared herself ready to support them in the exercise of so legitimate a right.

But is France authorised to break the stipulations which are opposed to the liberty of the Scheldt? If the rights of nature and those of nations are consulted, not France alone, all the nations of Europe are authorised to do it—there can be no doubt of it.

If we consult public law, we shall say that it ought to be nothing but the application of the principles of the general rights of nations to the particular circumstances in which nations are placed with regard to each other; insomuch that every particular treaty repugnant to such principles can only be regarded as the work of violence. We moreover add, in relation to the Scheldt, that this treaty was concluded without the participation of the Belgians. The emperor, to secure the possession of the Low Countries, sacrificed, without scruple, the most inviolable of rights. Master of those fine provinces, he governed them, as Europe has seen, with the rod of absolute despotism, respected only those of their privileges which it imported him to preserve, and destroyed or perpetually struggled against the rest. France enters into war with the house of Austria, expels it from the Low Countries, and calls back to freedom those people whom the court of Vienna had devoted to slavery; their chains are broken; they re-enter into all the rights which the house of Austria had taken away from them. How can that which they possessed with respect to the Scheldt be excepted, particularly when that right is only of importance to those who are deprived of it? For what remains, France has too good a political creed to be afraid to avow the principles of it. The executive council declares, not with a view of yielding to some expressions of threatening language, but solely to render homage to truth, that the French republic does not intend to erect itself into an universal arbitrator of the treaties which bind nations. She will know how to respect other governments, as she will take care to make her own respected. She does not wish to impose laws upon any one, and will not suffer any one to impose laws upon her. She has renounced, and again renounces, every conquest; and her occupation of the Low Countries shall only continue during the war, and the time which may be necessary to the Belgians to insure and consolidate their liberty; after which let them be independent and happy, France will find her recompence in their felicity.

When that nation shall be found in the full enjoyment of liberty, when its general will can lawfully declare itself without shackles, then if England and Holland still attach some importance to the opening of the Scheldt, they may put the affair into a direct negociation with Belgia. If the Belgians, by any motive whatever, consent to deprive themselves of the navigation of the Scheldt, France will not oppose it; she will know how to respect their independence, even in their errors.

After so frank a declaration, which manifests such a sincere desire of peace, his Britannic majesty's ministers ought not to have any doubts with regard to the intentions of France. If her explanations appear insufficient, and if we are still obliged to hear a haughty language; if hostile preparations are continued in the English ports; after having exhausted every means to preserve peace, we will prepare for war, with a sense of the justice of our cause, and of our efforts to avoid this extremity: we will fight the English, whom we esteem, with regret, but we will fight them without fear.

A copy conformable to the original.

(Signed) F. Chauvelin.

No. XXV.—Letter from Lord Grenville to M. Chauvelin, dated Whitehall, January 18th, 1793.

I have examined, Sir, with the greatest attention, the paper which you delivered to me on the 13th of this month. I cannot conceal from you that I have found nothing satisfactory in the result of that note. The explanations it contains are confined nearly to the same points to which I have already given a detailed answer. The declaration of an intention to interfere in the internal affairs of other countries is there renewed. No mention is made either of disavowal or reparation for the offensive measures stated in my letter to you of the 31st December. And the claim is still reserved of a right to annul treaties, and to violate the rights of our allies; there being only offered on this subject an illusory negociation, which is referred, as well as the evacuation of the Low Countries by the French armies, to the indefinite period, not only of the conclusion of the war, but also of the consolidation of what is called the liberty of the Belgic people.

It is added, that if these explanations should appear to us unsatisfactory; if you are again obliged to hear the language of haughtiness; if hostile preparations are continued in the ports of England, after having exhausted every thing which could lead to peace, you will dispose yourselves to war.

If this notification, or that which related to the treaty of commerce, had been made to me in a regular and official form, I should have found myself obliged to answer, that a threat of declaring war against England, because she thinks proper to augment her forces, as well as a declaration of breaking a solemn treaty, because England has adopted, for her own security, precautions of the same nature as those which are already established in France, could neither of them be considered in any other light than that of new offences, which, while they subsisted, would preclude all negociation.

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In this form of unofficial communication, I feel that it may still be allowed me to tell you, without haughtiness, but also without disguise, that these explanations are not judged satisfactory, and that all the reasons which have occasioned our preparations still subsist. I have already made these reasons known to you by my letter of the 31st December, in which I have stated, in precise terms, what dispositions could alone contribute to the maintenance of peace and good understanding. I do not see that it can be useful towards the object of conciliation to continue to discuss with you, in this form, a few separate points, on which I have already made known to you our sentiments. If you had any explanations to give me in the same form, embracing all the objects which I mentioned to you in my letter of the 31st December, and all the circumstances of the present crisis with respect to England, to its allies, and to the general system of Europe, I should still willingly lend myself to it.

I feel, however, that in answer to what you say on the subject of our preparations, I ought to inform you, in the most express terms, that, under the existing circumstances, all those measures will be persisted in here which shall be judged expedient for enabling us to protect the security, the tranquillity, and the rights of this country, to support those of our allies, and to oppose a barrier to views of ambition and aggrandisement always dangerous to the rest of Europe; but which become much more so when they are supported by the propagation of principles destructive of all order and society. I have the honour to be, &c.

GRENVILLE.

No. XXVI.—LETTER from M. Chauvelin to Lord Grenville, dated Portman-square, 17th January, 1793, Second year of the French Republic.

My lord;—I have the honour of addressing myself to you, to beg of you to grant me an interview. I shall proceed to explain the motives of this request, and you will judge them to be such as will not admit of delay. I shall first desire of you, my lord, security for my communications with the French government. Whatever may be the character which you acknowledge me to possess, you have at least never doubted of the authenticity of the declarations which I have transmitted to you in the name of the French nation. I will therefore propose to you, my lord, either absolutely to refuse hearing me, or to give orders for my couriers to be respected, and the secrecy of my letters, as well of those sent as received, to be observed.

I will then, my lord, require to be informed whether his Britannic majesty will receive my letters of credence, and if he be satisfied with the declarations contained in the paper which I had the honour of transmitting to your lordship last Sunday. I have not only received fresh orders from the Executive Council of France, to insist upon a speedy and definitive answer; but there is yet another reason which urgently presses for the decision of his Britannic majesty.—I have learnt this day, that the law relating to foreigners obliges them to make their declaration within ten days after the 10th of January; and in case of any foreigner, who is amenable to this law, neglecting or refusing to make such declaration, the magistrates of this country would be authorized not only to require him to do so, but even to imprison him. I know, my lord, and all those who understand the rights of nations know it also, that I cannot be implicated in this law: the avowed and acknowledged organ of a government which executes laws to which twenty-five millions of men have submitted themselves, my person is, and ought to be, sacred; and even under my diplomatic character, my lord, I could not be ranked among the general common class of foreigners, until his Britannic majesty should have definitively rejected the letters of credence which he knows I have received for him. But had I been implicated in this law, I owe to the government of a free and powerful nation, which I represent, this declaration, that it would be impossible for me to submit to it; and that all the persecutions which it might please his Britannic majesty to make me endure, would fall upon the French nation, in whose cause and for whose sake it would be my glory to suffer.

After this candid declaration, my lord, thinking myself entitled to an equal sincerity on your side, I will desire of you, in the conversation which I solicit, to inform me, what is the conduct which his Britannic majesty's ministers mean to hold with respect to me, and with respect to the persons who compose my household, in consequence of the law against foreigners. I have the honour to be, &c.

F. CHAUVELIN.

No. XXVII.—LETTER from Lord Grenville to M. Chauvelin, dated Whitehall, 20th January, 1793.

I have received, Sir, your letter of the 17th of this month. I have already informed you, that his majesty has reserved to himself the right of deciding, according as he shall think fit, on the two questions, of acknowledging a new form of government in France, and of receiving a minister accredited on the part of any other authority in France than that of his most Christian majesty. And in answer to the demand which you now make to me, whether his majesty will receive your new letters of credence? I am to inform you, that his majesty does not think fit, under the present circumstances, to receive those letters.—The demand which you make to me is equally incompatible with the form of an official communication, and with the character in which you have hitherto been acknowledged, of mi-

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nister from his most Christian majesty. It only remains for me then, on the subject of your letter, especially after what has just passed in France, to inform you, that as agent, charged with a confidential communication, you might certainly have expected the necessary measures on our part for the safety of your letters, and of your messengers; that as minister from the most Christian king, you would have enjoyed all the exemptions which the law grants to public ministers, recognized as such; but that as a private person, you cannot but return to the general mass of foreigners resident in England. I have the honour to be, &c.

GRENVILLE.

No. XXVIII.—LETTER from Lord Grenville to M. Chauvelin, dated Whitehall, January 24th, 1793.

I am charged to notify to you, Sir, that the character with which you had been invested at this court, and the functions of which have been so long suspended, being now entirely terminated, by the fatal death of his late most Christian majesty, you have no more any public character here. The king can no longer, after such an event, permit your residence here. His majesty has thought fit to order, that you should retire from this kingdom within the term of eight days; and I herewith transmit to you a copy of the order which his majesty, in his privy council, has given to this effect. I send you a passport for yourself and your suite; and I shall not fail to take all the other necessary steps, in order that you may return to France, with all the attentions which are due to the character of minister plenipotentiary from his most Christian majesty, which you have exercised at this court. I have the honour to be, &c.

GRENVILLE.

No. XXIX.—LETTER from M. Chauvelin to Lord Grenville, dated Portman-square, 24th January, 1793, Second year of the Republic.

My lord;—I received an hour ago, through Mr. Aust, the letter which you have done me the honour to write to me, together with the papers annexed to it. I intend to set out tomorrow morning for France; those of my household, who are not able to follow me, will all have departed before the period specified in the order which you have transmitted to me.

The precautions which you have announced to me as intended to be taken for the safety of my departure, will extend themselves assuredly, my lord, in a more particular manner, to the papers of the French embassy, which have been deposited, in trust, with me since my arrival in this country.—Monsieur Rheinhard, who is employed immediately next to me in this mission, will remain here five days after me to put them in order. I hope you will approve his waiting upon Mr. Aust, to ask of him a passport nearly of the same nature with that which I have received; and to make several observations to him with regard to the precautions which he may think fitting and necessary to be taken for the safe conveyance of these papers, for which he remains responsible. I have the honour to be, &c.

F. CHAUVELIN.

No. XXX.—COPY of his Majesty's Order in Council, of the 24th January, 1793.

At the Court at the Queen's House, the 24th of January, 1793; present, the king's most excellent majesty in council. His majesty in council is pleased to order, and it is hereby ordered, that Monsieur Chauvelin, who was received by his majesty, on the second day of May 1792, as minister plenipotentiary accredited by his late most Christian majesty, do depart this realm on or before the first day of February next; and that the right honourable lord Grenville, his majesty's principal secretary of state for foreign affairs, do make known this his majesty's order to the said Monsieur Chauvelin.

(Signed) W. FAWKENER.

Debate in the Commons on the King's Message for an Augmentation of the Forces.] Feb. 1. The order of the day being read for taking into consideration his Majesty's Message of the 28th of January,

Mr. *Pitt* rose and spoke as follows:—Sir, I shall now submit to the House some observations on the many important objects which arise out of the communication of his Majesty's message, and out of the present situation of this country. And in proceeding to the consideration of that message, the attention of the House should, in the first instance, be strongly directed to that calamitous event,* to that dreadful outrage against every principle of religion, of justice, and of humanity, which has created one general sentiment of indignation and abhorrence in every part of this island, and most undoubtedly has produced the same effect in every civilized country.

At the same time I am aware, that I should better consult not only my own feelings, but those of the House, if considerations of duty would permit me to draw a veil over the whole of this transaction, because it is, in fact, in itself, in all those circumstances which led to it, in all that attended it, and in all which have followed, or which are likely to follow it hereafter, so full of every subject of grief and horror,

* The murder of the king of France.

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that it is painful for the mind to dwell upon it. It is a subject which, for the honour of human nature, it would be better, if possible, to dismiss from our memories, to expunge from the page of history, and to conceal it, both now and hereafter, from the observation of the world.

Excidat ille dies ævo, neu postera credant
Secula; nos certe taceamus, et obruta multa
Nocte tegi nostræ patiamur crimina gentis.

These, Sir, are the words of a great historian* of France in a former period, and were applied to an occasion which had always been considered as an eternal reproach to the French nation: and the atrocious acts lately perpetrated at Paris are, perhaps, the only instances that furnish any match to that dreadful and complicated scene of proscription and blood. But whatever may be our feelings on this subject, since, alas! it is not possible that the present age should not be contaminated with its guilt; since it is not possible that the knowledge of it should not be conveyed by the breath of tradition to posterity, there is a duty which we are called upon to perform—to enter our solemn protestation, that, on every principle by which men of justice and honour are actuated, it is the foulest and most atrocious deed which the history of the world has yet had occasion to attest.

There is another duty immediately relating to the interest of this and of every other country. Painful as it is to dwell upon this deed, since we cannot conceal what has happened, either from the view of the present age or of posterity, let us not deprive this nation of the benefit that may be derived from reflecting on some of the dreadful effects of those principles which are entertained and propagated with so much care and industry by a neighbouring country. We see in this one instance concentrated together, the effect of principles, which originally rest upon grounds that dissolve whatever has hitherto received the best sanctions of human legislation, which are contrary to every principle of law, human and divine. Presumptuously relying on their deceitful and destructive theories, they have rejected every benefit which the world has hitherto received from the effect either of reason, experience, or even of Revelation itself. The consequences of these principles have been illustrated by having been carried into effect in the single person of one, whom every human being commiserates. Their consequences equally tend to shake the security of commerce, to rob the meanest individual in every country of whatever is most dear and valuable to him.

They strike directly against the authority of all regular government, and the inviolable personal situation of every lawful sovereign. I do feel it, therefore, not merely a tribute due to humanity, not merely an effusion of those feelings which I possess in common with every man in this country, but I hold it to be a proper subject of reflection to fix our minds on the effect of those principles which have been thus dreadfully attested, before we proceed to consider of the measures which it becomes this country to adopt, in order to avert their contagion, and to prevent their growth and progress in Europe.

However, notwithstanding that I feel strongly on this subject, I would, if possible, entreat of the House to consider even that calamitous event rather as a subject of reason and reflection, than of sentiment and feeling. Sentiment is often unavailing, but reason and reflection will lead to that knowledge which is necessary to the salvation of this and of all other countries. I am persuaded the House will not feel this as a circumstance which they are to take upon themselves, but that they will feel it in the manner in which I state it, as a proof of the calamities arising out of the most abominable and detestable principles; as a proof of the absence of all morals, of all justice, of all humanity, and of every principle which does honour to human nature; and, that it furnishes the strongest demonstration of the dreadful outrage which the crimes and follies of a neighbouring nation have suggested to them. I am persuaded the House will be sensible that these principles, and the effects of them, are narrowly to be watched, that there can be no leading consideration more nearly connected with the prospect of all countries, and most of all, that there can be no consideration more deserving the attention of this House, than to crush and destroy principles which are so dangerous and destructive of every blessing this country enjoys under its free and excellent constitution. We owe our present happiness and prosperity, which has never been equalled in the annals of mankind, to a mixture of monarchical government. We feel and know we are happy

* De Thou, who applies these words to the massacre of St. Bartholomew and wishes that day could be blotted out of the history of France.

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under that form of government. We consider it as our first duty to maintain and reverence the British constitution, which, for wise and just reasons of lasting and internal policy, attaches inviolability to the sacred person of the sovereign, though, at the same time, by the responsibility it has annexed to government, by the check of a wise system of laws, and by a mixture of aristocratic and democratical power in the frame of legislation, it has equally exempted itself from the danger arising from the exercise of absolute power on the one hand, and the still more dangerous contagion of popular licentiousness on the other. The equity of our laws and the freedom of our political system, have been the envy of every surrounding nation. In this country no man, in consequence of his riches or rank, is so high as to be above the reach of the laws, and no individual is so poor or inconsiderable as not to be within their protection. It is the boast of the law of England, that it affords equal security and protection to the high and the low, to the rich and the poor. Such is the envied situation of England, which may be compared, if I may be allowed the expression, to the situation of the temperate zone on the surface of the globe, formed by the bounty of Providence for habitation and enjoyment, being equally removed from the polar frosts on the one hand, and the scorching heat of the torrid zone on the other; where the vicissitude of the seasons, and the variety of the climate, contribute to the vigour and health of its inhabitants, and to the fertility of its soil; where pestilence and famine are unknown, as also earthquakes, hurricanes, &c. with all their dreadful consequences. Such is the situation, the fortunate situation of Britain: and what a splendid contrast does it form to the situation of that country which is exposed to all the tremendous consequences of that ungovernable, that intolerable and destroying spirit, which carries ruin and desolation wherever it goes!

Sir, this infection can have no existence in this happy land, unless it is imported, unless it is studiously and industriously brought into this country. These principles are not the natural produce of Great Britain, and it ought to be our first duty, and principal concern, to take the most effectual measures in order to stop their growth and progress in this country, as well as in the other nations of Europe. Under this impression, I wish to bring the House to the consideration of the situation in which we stand with respect to France, and with respect to the general state of the different powers of Europe. This subject was very much discussed on the first day of the present session, and I had the good fortune to concur with a very large majority of the House in the address that was presented to his majesty, for his most gracious speech to both Houses of Parliament. Gentlemen then drew their inferences from those notorious facts which every man's observation presented to him: and those circumstances were supposed to excite every sentiment of jealousy and precaution. They induced the House to arm his majesty, and the executive government, with those powers which were indispensably necessary for effectually providing for the safety of the country. Many weeks have now elapsed since the beginning of the session, when the country appeared to be in a critical situation. Let us consider what are the circumstances now to attract our attention at the moment when the message of his majesty calls on us for farther decision.

The papers which contain the communication between this country and France, consists of two different parts. The one comprehends the communication between this country and France, prior to the period which attracted those sentiments of jealousy I have stated:—This part also contains those comments which have taken place since, and those explanations which have been entered into by his majesty's permission, with a view, if possible, that our jealousy might be removed in consequence of some step that might be taken. The other part consists, either of what were notorious facts at the meeting of parliament, or of those notorious facts which, though not officially communicated by his majesty, were very generally known to the public.

The first part of these papers has never before been made public. The date of the first communication is May 12th, 1792. And the communication from that period till the 8th of July contains the system on which his majesty acted between France and the other European powers. From that period, down to the meeting of parliament, his majesty had most scrupulously observed the strictest neutrality with respect to France. He had taken no part whatever in the regu-

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lation of her internal government. He had given her no cause of complaint; and therefore the least return he might expect, was, that France would be cautious to avoid every measure that could furnish any just ground of complaint to his majesty. He might also well expect that France would have felt a proper degree of respect for the rights of himself and his allies. His majesty might most of all expect, that, in the troubled state of that country, they would not have chosen to attempt an interference with the internal government of this country, for the sole purpose of creating dissension among us, and of disturbing a scene of unexampled felicity. But fortunately for this country, they did not succeed. The express assurances contained in the papers which have been printed and are now on the table, the very compact on the part of France does distinctly and precisely apply to every one of these points.

I have no doubt but gentlemen have applied the interval in perusing these papers with sufficient attention, to make it unnecessary for me to trouble them with more than the leading points. You will perceive, that the very first communication is from M. Chauvelin, May 12th, 1792, and contains this passage: "Thus the king (of France) saw himself forced into a war, which was already declared against: but, religiously faithful to the principles of the constitution, whatever may finally be the fate of arms in this war, France rejects all ideas of aggrandizement. She will preserve her limits, her liberty, her constitution, her unalienable right of reforming herself whenever she may think proper; she will never consent that, under any relation, foreign powers should attempt to dictate, or even dare to nourish a hope of dictating laws to her. But this very pride, so natural and so great, is a sure pledge to all the powers from whom she shall have received no provocation, not only of her constantly pacific dispositions, but also of the respect which the French well know how to show at all times for the laws, the customs, and all the forms of government of different nations. The king indeed wishes it to be known, that he would publicly and severely disavow all those of his agents at foreign courts in peace with France, who should dare to depart an instant from that respect, either by fomenting or favouring insurrections against the established order, or by interfering in any manner whatever in the interior policy of such states, under pretence of a proselytism, which, exercised in the dominions of friendly powers, would be a real violation of the law of nations." This paper therefore contains a declaration, that whatever might be the fate of arms, France rejected all ideas of aggrandizement; she would preserve her rights, she would preserve her limits and her liberty. This declaration was made in the name of the king.

Gentlemen must remember, after the first revolution, and after the establishment of what they called the model of a government of liberty, the king wished it to be known, that he would publicly disavow all those of his agents at foreign courts, in peace with France, who should dare to depart an instant from that respect, either by fomenting or raising insurrections, or by interfering in any manner whatever in the internal government of such states, under pretence of proselytism, which would be a real violation of the law of nations. They have therefore passed, by anticipation, that sentence on their own conduct; and whether we shall pass a different sentence, is one of the objects of this day's consideration. In the passage I have read, two distinct principles are laid down: the one, that whatever might be the fate of arms, France renounced all ideas of aggrandizement, and declared she would confine herself within her own territories; the other, that to foment and raise insurrections in neutral states, under pretence of proselytism, was a violation of the law of nations. It is evident to all Europe, her conduct has been directly the reverse of those principles, both of which she has trampled under foot, in every instance where it was in her power. In the answer to that note of M. Chauvelin, his majesty expresses his concern for the war that had arisen, for the situation of his most Christian majesty, and for the happiness of his dominions. He also gives him a positive assurance of his readiness to fulfil, in the most exact manner, the stipulations of the treaty of navigation and commerce; and concludes with these words: "Faithful to all his engagements, his majesty will pay the strictest attention to the preservation of the good understanding which so happily subsists between him, and his most Christian majesty, expecting with confidence, that, animated with the same sentiments, his most Christian majesty

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will not fail to contribute to the same end, by causing, on his part, the rights of his majesty and his allies to be respected, and by rigorously forbidding any step which might affect the friendship which his majesty has ever desired to consolidate and perpetuate, for the happiness of the two empires."

We may also see what general assurances France thought fit to make to Great Britain, from a note from M. Chauvelin to lord Grenville dated June 8, 1792; where it is said, "The king of the French is happy to renew to the king of Great Britain the formal assurance, that every thing which can interest the rights of his Britannic majesty will continue to be the object of his most particular and most scrupulous attention. He hastens, at the same time, to declare to him, that the rights of all the allies of Great Britain, who shall not have provoked France by hostile measures, shall by him be no less religiously respected. In making, or rather renewing this declaration, the king of the French enjoys the double satisfaction of expressing the wish of a people, in whose eyes every war, which is not rendered necessary by a due attention to its defence, is essentially unjust, and of joining particularly in the wishes of his majesty, for the tranquillity of Europe, which would never be disturbed, if France and England would unite in order to preserve it."

Such then, Sir, is the situation in which his majesty stands with respect to France. During the transactions of the last summer, when France was engaged in a war against the powers of Austria and Prussia, his majesty departed in no shape from that neutrality. His majesty did no one act from which it could be justly inferred, that he was friendly to that system. But what, let me ask the House, has been the conduct of France as to those express reiterated assurances, applied to the public concerns which I have now detailed? These assurances went to three points: to a determination to abstain from views of aggrandizement; not to interfere with the government of neutral nations, which they admitted to be a violation of the law of nations; and to observe the rights of his majesty and his allies. What has been the conduct of France on these three points, under the new system? She has both by her words and actions, manifested a determination, if not checked by force, to act on principles of aggrandizement. She has completely disclaimed that maxim, "that whatever was the fate of their arms in war, France rejected all ideas of aggrandizement." She has made use of the first moment of success to publish a contradiction to that declaration. She has made use of the first instance of success in Savoy, without even attempting the ceremony of disguise (after having professed a determination to confine herself within her ancient limits), to annex it for ever as an eighty-fourth department to the present sovereignty of France. They have by their decree announced a determination to carry on a similar operation in every country into which their arms can be carried, with a view, in substance, if not in name, to do the same thing in every country where they can with success.

Their decree of the 15th of December contains a fair illustration and confirmation of their principles and designs. They have by that decree expressly stated the plan on which they mean to act. Whenever they obtain a temporary success, whatever be the situation of the country into which they come, whatever may have been its antecedent conduct, whatever may be its political connexions, they have determined not to abandon the possession of it, till they have effected the utter and absolute subversion of its form of government, of every ancient, every established usage, however long they may have existed, and however much they may have been revered. They will not accept, under the name of liberty, any model of government, but that which is conformable to their own opinions and ideas; and all men must learn from the mouth of their cannon the propagation of their system in every part of the world. They have regularly and boldly avowed these instructions, which they sent to the commissioners who were to carry these orders into execution. They have stated to them what this house could not believe, they have stated to them a revolutionary principle and order, for the purpose of being applied in every country in which the French arms are crowned with success. They have stated, that they would organize every country by a disorganizing principle; and afterwards, they tell you all this is done by the will of the people. Wherever our arms come, revolutions must take place, dictated by the will of the people. And then comes this

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plain question, what is this will of the people? It is the power of the French. They have explained what that liberty is which they wish to give to every nation; and if they will not accept of it voluntarily, they compel them. They take every opportunity to destroy every institution that is most sacred and most valuable in every nation where their armies have made their appearance; and under the name of liberty, they have resolved to make every country in substance, if not in form, a province dependent on themselves, through the despotism of Jacobin societies. This has given a more fatal blow to the liberties of mankind, than any they have suffered, even from the boldest attempts of the most aspiring monarch. We see, therefore, that France has trampled under foot all laws, human and divine. She has at last avowed the most insatiable ambition, and greatest contempt for the law of nations, which all independent states have hitherto professed most religiously to observe; and unless she is stopped in her career, all Europe must soon learn their ideas of justice—law of nations—models of government—and principles of liberty from the mouth of the French cannon.

I gave the first instance of their success in Savoy, as a proof of their ambition and aggrandizement. I wish the House to attend to the practical effect of their system, in the situation of the Netherlands. You will find, in some of the correspondence between France and this country, this declaration on the part of France; "She has renounced, and again renounces every conquest, and her occupation of the Low Countries shall only continue during the war and the time which may be necessary to the Belgians to ensure and consolidate their liberty; after which, they will be independent and happy. France will find her recompence in her felicity."

I ask whether this can mean any thing else, than that they hope to add the Netherlands, as an 84th or 85th department, to the French republic; whether it does not mean a subjugation of the Netherlands, to the absolute power of France, to a total and unequalled dependence on her? If any man entertains doubts upon the subject, let him look at the allegations of Dumourier, enforced by martial law. What was the conduct of this general, when he arrived at Brussels? Did he not assemble the inhabitants in the most public part of their city to elect the primary assemblies? How agreeable must have been his arrival in the Netherlands, by his employing threats to procure a general illumination on his entrance into Brussels! A hollow square of the French troops was drawn round the tree of liberty, to prevent the natives from pulling down the emblem of French freedom. This shows how well disposed the people were to receive the French system of liberty! This is the manner in which their principles are carried into effect in the different countries of Europe. I may here mention the conduct of the Convention, on the occasion of an address from the people of Mons, in which they desire that the province of Hainault might be added as an 85th department of France. The Convention referred the address to a committee, to report the form in which countries, wishing to unite with France, were to be admitted into the union. The convention could not decide upon it, and therefore they sent it to a committee to point out the manner in which they were to make their application for that purpose, so that the receiving of them was to be a fixed and standing principle, which in its consequences, if not timely prevented, must destroy the liberties and independence of England, as well as of all Europe.

I would next proceed to their confirmed pledge, not to interfere in the government of other neutral countries. What they have done here is in countries which, under some pretence or other, they have made their enemies. I need not remind the house of the decree of the 19th of November, which is a direct attack on every government in Europe, by encouraging the seditious of all nations to rise up against their lawful rulers, and by promising them their support and assistance. By this decree, they hold out an encouragement to insurrection and rebellion in every country in the world. They show you they mean no exception, by ordering this decree to be printed in all languagss.—And therefore I might ask any man of common sense, whether any nation upon earth could be out of their contemplation at the time they passed it? And whether it was not meant to extend to England, whatever might be their pretences to the contrary? It is most manifest they mean to carry their principles into every nation, without exception, subvert and destroy every government

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and to plant on their ruins their sacred tree of liberty.

Some observations, to which they have affected to give the name of explanations have been applied to this decree, and are these: "Now to come to the three points which can alone make an object of difficulty at the court of London, the Executive Council observe respecting the first, which is the decree of the 19th of November, that we have not been properly understood by the ministry of his Britannic majesty, when they accuse us of having giving an explanation which announces to the seditious of all nations, what are the cases in which they may previously count on the support and assistance of France. Nothing could be more foreign than this reproach to the sentiments of the National Convention, and to the explanation we have given of them; and we did not think it was possible we should be charged with the open design of favouring the seditious, at the very moment, when we declare that it would be wronging the National Convention, if they were charged with the project of protecting insurrections, and with the commotions that may break out in any corner of a state, of joining the ring-leaders, and of thus making the cause of a few private individuals that of the French nation. We have said, and we desire to repeat it, that the decree of the 19th of November could not have any application, unless to the single case in which the general will of a nation clearly and unequivocally expressed, should call the French nation to its assistance and fraternity. Sedition can certainly never be construed into the general will. These two ideas mutually repel each other, since a sedition is not and cannot be any other than the movement of a small number against the nation at large. And this movement would cease to be seditious, provided all the members of a society should at once rise, either to reform its government, or to change its form *in toto*, or for any other object. The Dutch were assuredly not seditious, when they formed the generous resolution of shaking off the yoke of Spain; and when the general will of that nation called for the assistance of France, it was not reputed a crime in Henry 4th, or in Elizabeth of England, to have listened to them. The knowledge of the general will is the only basis of the transactions of nations with each other; and we can only treat with any government whatever on this principle, that such a government is deemed the organ of the general will of the nation governed. Thus when by this natural interpretation, the decree of the 19th of November is reduced to what it truly implies, it will be found, that it announces nothing more than an act of the general will, and that beyond any doubt so effectually founded in right, that it was scarcely worth the trouble to express it. On this account, the Executive Council thinks that the evidence of this right might, perhaps, have been dispensed with by the National Convention, and did not deserve to be made the object of a particular decree; but with the interpretation that precedes it, it cannot give uneasiness to any nation whatever."

To all this I shall only observe, that in the whole context of their language, on every occasion, they show the clearest intention to propagate their principles all over the world. Their explanations contain only an avowal and repetition of the offence. They have proscribed royalty as a crime, and will not be satisfied but with its total destruction. The dreadful sentence which they have executed on their own unfortunate monarch, applies to every sovereign now existing. And lest you should not be satisfied that they mean to extend their system to this country, the conduct of the National Convention has applied itself, by repeated acts, to yourselves by name, which makes any explanation on their part unsatisfactory and unavailing. There is no society in England, however contemptible in their numbers, however desperate in their principles, and questionable in their existence, who possessed treason and disloyalty, who were not cherished, justified, and applauded, and treated even with a degree of theatrical extravagance at the bar of the National Convention. You have also a list of the answers given to them at that bar. And, after all this, am I to ask you, whether England is one of the countries into which they wish to introduce a spirit of proselytism? which, exercised in the dominions of friendly powers, they themselves admit would be a violation of the law of nations.

On the third point it is unnecessary for me to expatiate,—I mean on the violation of the rights of his majesty, or of his allies. To insist upon the opening of the river Scheldt, is an act of itself, in which the French nation had no right to inter-

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fere at all, unless she was the sovereign of the Low Countries, or boldly professed herself the general arbitress of Europe. This singular circumstance was an aggravation of their case, because they were bound by the faith of solemn and recent treaties to secure to the Dutch the exclusive navigation of the Scheldt, and to have opposed the opening of that river, if any other power had attempted it. If France were the sovereign of the Low Countries, she would only succeed to the rights which were enjoyed by the house of Austria; and if she possessed the sovereignty, with all its advantage, she must also take it with all its incumbrances, of which the shutting up of the Scheldt was one. France can have no right to annul the stipulations relative to the Scheldt, unless she has also the right to set aside, equally, all the other treaties between all the powers of Europe, and all the other rights of England, or of her allies. England will never consent that France shall arrogate the power of annulling at her pleasure, and under the pretence of a natural right of which she makes herself the only judge, the political system of Europe, established by solemn treaties, and guaranteed by the consent of all the powers. Such a violation of rights as France has been guilty of, it would be difficult to find in the history of the world. The conduct of that nation is in the highest degree arbitrary, capricious, and founded upon no one principle of reason and justice. They declare this treaty was antiquated, and extorted by despotism, or procured by corruption. But what happened recently in the last year? This new and enlightened nation renewed her assurances of respecting all the rights of all his majesty's allies, without any exception, without any reservation, so that the advancement of this claim is directly contrary to their recent professions. From the treaty of Munster, down to the year 1785, the exclusive navigation of the Scheldt has been one of the established rights of Holland. We are told it is to be said, no formal requisition has been made by Holland for the support of this country. I beg gentlemen to consider, whether ships going up the Scheldt, after a protest of the states general, was not such an act as to have justified them in calling upon this country for a contingent of men. If this House means substantial good faith to its engagements, if it retains a just sense of the solemn faith of treaties, it must show a determination to support them. Without entering too far upon this subject, let me call to their attention, for a moment, one circumstance,—I mean the sudden effect and progress of French ambition, and of French arms. If from that circumstance, Holland had just reason to be afraid to make a formal requisition; if she had seen just reason not to do what she might have been well justified in doing, that was no reason why we should not observe our treaty. Are we to stand by as indifferent spectators, and look at France trampling upon the ancient treaties of the allies of this country? Are we to view with indifference the progress of French ambition, and of French arms, by which our allies are exposed to the greatest danger? This is surely no reason for England to be inactive and slothful. If Holland has not immediately called upon us for our support and assistance, she may have been influenced by motives of policy, and her forbearance ought not to be supposed to arise from her indifference about the river Scheldt. If Holland had not applied to England when Antwerp was taken, the French might have overrun her territory. And unless we wish to stand by, and to suffer state after state to be subverted under the power of France, we must now declare our firm resolution effectually to oppose those principles of ambition and aggrandizement, which have for their object the destruction of England, of Europe, and of the world.

The next thing is, whether we see any thing in these papers, which furnishes an answer to the past, or gives any security for the future? What does the explanation amount to on the subject of the treaty of our allies? It refers to the possibility of negociation at an indefinite period. She says, "she (France) has renounced, and again renounces every conquest, and her occupation of the Low Countries shall only continue during the war, and the time which may be necessary to the Belgians to ensure and consolidate their liberty; after which, they will be independent and happy, and France will find her recompence in their felicity." What is this but an avowal of their former declarations?

On the subject of interference with neutral nations, there is one or two explanations of the decree of the 19th of November, which has been so often discussed. We are, indeed, told it is injurious to sup-

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pose the National Convention could have intended to apply this decree to any country but where, by the public will, they have been called to give assistance and fraternity.—This is in fact to advertise for treason and rebellion. Is there any man who could give credit to the reception which the English societies received in France? Though their numbers are too contemptible for the animadversion of the law, or the notice of our own executive government, they were considerable enough for the National Convention. They tell you they are the clear, undisputed, constituted organ of the will of the people at large. What reliance can be placed in all their explanations, after the avowal of principles to the last degree dangerous to the liberty, the constitution, the independence, and the very existence of this country?

My time and my strength would fail me, if I were to attempt to go through all those various circumstances, which are connected with this subject. I shall take the liberty of reading a passage from a publication which came into my hands this morning, and I am extremely glad to have seen collected together, so many instances in which the conduct of France is detected. In a note from M. Chauvelin, dated December 27th, 1792, he complains of the harsh construction which the British ministry had put on the conduct of France, and professes the strongest friendship for Great Britain. And yet, on the 31st of December, 1792, that is in four days after, one of the members of the Executive Council, who had given these assurances to England, wrote this letter to the friends of liberty, and equality, in all the seaports in France. "The government of England is arming, and the king of Spain, encouraged by this, is preparing to attack us. These two tyrannical powers, after persecuting the patriots in their own territories, think, no doubt, that they shall be able to influence the judgment to be pronounced on the tyrant Louis. They hope to frighten us. But no! a people who has made itself free; a people who has driven out of the bosom of France, and as far as the distant borders of the Rhine, the terrible army of the Prussians and Austrians; the people of France will not suffer laws to be dictated to them by a tyrant.

"The king and his parliament mean to make war against us; will the English republicans suffer it? Already these free men show their discontent, and the repugnance which they have to bear arms against their brothers, the French. Well! we will fly to their succour; we will make a descent on the island; we will lodge there fifty thousand caps of liberty; we will plant there the sacred tree, and we will stretch out our arms to our republican brethren; the tyranny of their government will soon be destroyed. Let every one of us be strongly impressed with this idea!—Monge." Such is the declaration of the sentiments of the minister of the marine; a declaration which separates not only the king, but the king and parliament of Great Britain from the people, who are called republicans. What faith can be put in assurances given on the part of France by M. Chauvelin, on the 27th of December, when, in four days after, we find the minister of the marine writing such a letter? It was to be hoped we might have seen reasons, perhaps, in consequence of friendly explanations, for not going to war. But such explanations as this communication contains, have been justly rejected. I shall not detain the House longer on this subject.

I shall state now what appears to be the state of the negociation. I take the conduct of France to be inconsistent with the peace and liberty of Europe. They have not given us satisfaction with respect to the question in issue. It is true, what they call explanations have taken place; but their principles, and the whole manner of their conduct, are such, that no faith can be put in their declarations. Their conduct gives the lie to their public professions: and, instead of giving satisfaction on the distinct articles, on which you have a right to claim a clear and precise explanation, and showing any desire to abandon those views of conquest and aggrandizement, to return within their ancient limits, and to set barriers to the progress of their destructive arms, and to their principles, still more destructive; instead of doing so, they have given,—explanations I cannot call them, but an avowal of those very things you complain of. And in the last paper from M. Chauvelin, which may therefore be considered as the *ultimatum*, are these words: "After so frank a declaration, which manifests such a sincere desire of peace, his Britannic Majesty's ministers ought not to have any doubts with regard to the intentions of France. If her explanations appear insufficient, and if we are still obliged to hear a haughty language; if hos-

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tile preparations are continued in the English ports, after having exhausted every means to preserve peace, we will prepare for war with the sense of the justice of our cause, and our efforts to avoid this extremity. We will fight the English, whom we esteem, with regret,—but we will fight them without fear." This is an ultimatum to which you cannot accede. They have neither withdrawn their armies from the neighbouring nations, nor shown the least disposition to withdraw them. If France is really desirous of maintaining friendship and peace with England, she must show herself disposed to renounce her views of aggression and aggrandizement, and to confine herself within her own territory, without insulting other governments, without disturbing their tranquillity, without violating their rights. And unless she consent to these terms, whatever may be our wishes for peace, the final issue must be war. As to the time, as to the moment when war is to commence, if there is yet any possibility of satisfactory explanation, and security for the future, it is not to the last moment precluded. But I should disguise my sentiments to the House, if I stated, that I thought it in any degree probable. This country has always been desirous of peace. We desire it still, but such as may be real and solid, and consistent with the interests and dignity of Britain, and with the general security of Europe. War, whenever it comes, will be preferable to peace without honour, without security, and which is incompatible either with the external safety, or the internal happiness of this country.

I am sensible I have left a great many points untouched. If any topic should afterwards arise, I trust I shall meet with the indulgence of the House in stating it. I shall now move,

"That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious message, and for the communication of the papers, which, by his majesty's command, have been laid before us;

"To offer to his majesty our heartfelt condolence on the atrocious act lately perpetrated at Paris, which must be viewed by every nation in Europe as an outrage on religion, justice, and humanity; and as a striking and dreadful example of the effect of principles, which lead to the violation of the most sacred duties, and are utterly subversive of the peace and order of all civil society:

"To assure his majesty, that it is impossible for us not to be sensible of the views of aggrandizement and ambition, which, in violation of repeated and solemn professions, have been openly manifested on the part of France, and which are connected with the propagation of principles incompatible with the existence of all just and regular government: that, under the present circumstances, we consider a vigorous and effectual opposition to these views as essential to the security of every thing which is most dear and valuable to us as a nation, and to the future tranquillity and safety of all other countries:

"That, impressed with these sentiments, we shall, with the utmost zeal and alacrity, afford his majesty the most effectual assistance to enable his majesty to make a further augmentation of his forces by sea and land, and to act, as circumstances may require, in the present important conjuncture, for maintaining the security and honour of his crown, for supporting the just rights of his allies, and for preserving to his people the undisturbed enjoyment of the blessings which, under the divine Providence, they derive from the British constitution."

Lord *Beauchamp* said, that in the address of thanks now about to be voted, the interest not only of the present generation, but of posterity, were deeply involved. It therefore became him, and every good man, to support government. When he considered the subject of discussion in a cool and deliberate manner, he could not conceive what this country had done to incur the menaces or indignation of France. He could not discover one single instance of outrage or injury against France. The only fault perhaps which we had committed was the state of neutrality which we had observed since the commencement of her unhappy distractions. Had we interfered sooner, and endeavoured to resist her career of madness, we might very likely have saved France from many of the misfortunes which she had afterwards suffered. If by the extraordinary intemperance of the French, their "great fabric of human wisdom," the rights of man, had soon been dissipated or dissolved, was England accessary to its demolition? No—it was impossible to mention one single act which, on our part, could be construed into any acceleration of its downfall. Their ambition was inordinate and unexampled in the history of the world. They

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penetrated into Savoy for the avowed purpose of freedom; but renouncing that declaration, they were not contented till that country was, by intrigue, added as the eighty-fourth department. Thus, while they pretended to diffuse principles of liberty, they enforced those of conquest, and robbed the people, whom they pretended to aid, of the small remains of their native freedom. In Brabant the same principles were distinguishable; and thus we were driven to the awful alternative of waging a war against a people boundless in their ambition.—Lord Grenville, in an answer to M. Chauvelin, very properly says, "You are not ignorant, that, since the unhappy 10th of August, the king has thought proper to suspend all communication with France." This declaration ought to have served as a denial of the reigning powers of France; and the French faction, who had degraded royalty, might have very easily conceived that the intentions of the king of England were inimical to all agitators and anarchists, and, that if provoked, he would exert the power given him by the constitution to repel the insolence or ambition of men dangerous to the good government of society. Lord Grenville has been weakly accused of absurdly acknowledging and disavowing M. Chauvelin in his official capacity, while at the same time he enters into a discussion with him concerning the interests of the two countries. This argument might, at first, appear founded; but, on examination, it would be evident, that, although lord Grenville refuses all communication with him in his official capacity, yet that he might take the opportunity of expressing his sentiments as a simple individual; lord Grenville certainly meant no more, although his answer was afterwards presented to the world as a state paper of authority from the court of St. James's. In corroboration of this opinion, let gentlemen examine lord Grenville's own words—"I have been unwilling to convey to you the notification stated above, without at the same time explaining myself clearly and distinctly on the subject of what you communicated to me, although under a form which is neither regular nor official." If ever the time should arrive when it may be expedient to receive a minister from the present Executive Council of France, the measure was not prevented by the declaration of lord Grenville, who expressly mentioned, "that the proposition of receiving a minister accredited by any other authority or power in France would be a new question, which whenever it occurred, the king would have the right to decide according to the interests of his subjects, his own dignity, and the regard which he owes to his allies, and to the general system of Europe." Thus the decision of the question was given to the proper authority, because his majesty, in the cases of ambassadors either to or from foreign courts, had an undoubted right to sanction or reject, according to the temporary emergency. If it be evident that the system of the Executive Council of France, supported by the Convention, is to encourage disorder and revolt in other countries, how can England remain neutral? The most superficial observer may easily conceive, that after France has distracted and overturned other governments, her inordinate ambition will induce her to make similar attempts against the rights and liberties of England. The grand system of French policy now adopted is the fomenting of discord and sedition in other countries. Having hostile intentions against Holland, she is making every effort to seduce the Dutch from their allegiance to the stadtholder, and, if suffered, may soon throw that country into a state of anarchy and confusion, overturn the ancient government, and introduce the new system so dangerous to society, and so destructive of real liberty and property. If seriously considered, the union of Corsica with France in the new doctrines might have been urged as a sufficient reason for the commencement of hostilities, because such a junction was dangerous to the balance of power.—He lamented as much as any man the calamities of war, and perhaps ought not to have censured Mr. Pitt for his resistance of the measure till the present urgency. Had he attempted the expedient sooner, the public would, in all probability, not have suffered it. The minister of a free country was differently situated from the servant of an absolute prince. He must wait with patience for the will of the people. That time was now arrived when every good man was of opinion that our interference was necessary for the safety of Europe. Some praised the success which the French had obtained by the victory of Jemappe. For his part, he was more

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parsimonious in his panegyric of that event, because from it he dated many of the calamities which followed. The battle of Jemappe had done more to the aggrandizement of France, by giving it the possession of Brabant, than any other event. What had Dumourier's entry into Brabant produced? Not that generous spirit of liberty so much vaunted by the French before they took possession of the territories: but the *joyeuse entrée* was succeeded by the bonfire, in which was burnt the Magna Charta of the country; after which followed the sacrifice of the ancient liberties of the natives. Dumourier no sooner obtained an influence over the credulity of the people of Brabant than he levied from them five or six millions sterling, by which he calculated that his army of 120,000 men might be supported nine or ten months longer. Brabant, till the *joyeuse entrée* of Dumourier, had always enjoyed such a considerable portion of liberty as to be deemed a free country. —The time was when the smallest acquisition of territory gained by the French nation would have thrown England into a ferment When the duke de Choiseul, in the zenith of his power, seized upon Avignon, insignificant as was the acquisition, it threw Europe into a flame, which would have burst out into a war, if the duke had not prevented it by restoring that city to the pope, its lawful sovereign. He remembered very well what were the opinions of the leading men in parliament at the time when the French undertook to make a conquest of the island of Corsica; many of them were persuaded, that, to prevent such a measure, it was the interest of England to arm, and run all the hazard of a war. By annexing Savoy to this empire, the French showed that aggrandizement was their object. This conduct in the Netherlands equally showed that they intended to rule these provinces as their own: the consequences to England, of the Flemish ports being in the hands of France, must be to the last degree alarming. It was now 250 years since Philip de Comines, writing upon the subject of the fall of the House of Burgundy in the time of Louis 11th, and the transfer of the ports of Boulogne, &c., to France, observed that this transfer ought to alarm England, and that unless the consequences were timely prevented, they must prove fatal to the liberties and independence of all Europe. If gentlemen would look at the map of Brabant, they would see that the port of Antwerp on the Scheldt, lying opposite our coast, and almost in a direct line with the river Thames, would, in the hands of the French, prove destructive to the British trade, and deprive England of the dominion of the narrow seas. It would do more; for Brabant, situated as it was respecting Holland, would, in the hands of the French, enable them to rule that republic at their pleasure, or pull it down if they pleased, or govern it under its present form by means of their ambassadors at the Hague, who would leave the Dutch only the shadow of liberty and independence. Queen Elizabeth opposed sometimes France, sometimes Spain; but her soundest policy was raising up a new power, the republic of Holland, which might be a check upon either, and a barrier to England against both: this was truly sound policy; and it would be showing a total disregard for our own interest if we were to leave that state exposed to the danger of being swallowed up by France. Holland and England were natural allies: it was true they had sometimes quarrelled; but they had seen their error, and ought to unite in jealousy and detestation of the people who had made them enemies. There were two points on which he would take the liberty of saying a few words: one was the recall of lord Gower; the other the dismission of M. Chauvelin; both of which measures had his most hearty approbation. Before the noble lord was recalled, the government of France was at an end; her constitution, which had been called a model of free government, was dissolved in a few days, and there was no saying when it would be replaced by another. During the interval it would not have been decent for a British ambassador to remain at Paris, particularly as the ministers of the other powers had withdrawn from that city. As to M. Chauvelin, he must say it looked rather suspicious, that, so punctilious a nation as France should leave an ambassador here after ours had been recalled. He believed it was generally understood that ambassadors were at best but privileged or honourable spies; and he was inclined to think that, only for the purpose of having a spy upon our public conduct, and an agent that might forward their seditious views, that the Executive Council

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kept M. Chauvelin here. For his part, he was very glad that he was gone, and he wished that he had been ordered away sooner, for there were occasions in which resident ambassadors might do great mischief. In 1712, when it was known that England was going to make a separate peace, the then imperial ambassador at our court delivered, in a strong memorial to our minister, and caused it to be printed the next day in the public newspapers; for which he was ordered to quit the court and kingdom. The removal of ambassadors did not necessarily prevent negociation; for the diplomatic art had devised means for enabling two nations, though actually at war, to treat through the medium of a neutral power: when a war was declared, the belligerent nations recalled their ministers; but did it follow that the war was therefore to be eternal? War was certainly a calamity, but not so great a one as a hollow peace. Whether it broke out a little sooner or a little later, was of little consequence, if it broke out at all. In the present instance, we might expect a speedy and a happy termination of it; for all Europe would be on our side. He was aware that confederacies did not always act well together; but the reason was obvious; the parties composing it rarely had a common interest, or would hold out till the general interest required a general peace. In the present contest the case was different; the Emperor would, no doubt, strain every nerve to recover his beautiful provinces in the Netherlands; the king of Prussia would feel it necessary to recover the reputation which was the main prop of the Prussian monarchy; Holland would have to contend for her very existence; Italy was interested in taking from France Savoy, and restoring it to the king of Sardinia; and Spain and Portugal must see the danger to their governments, if the French arms and French principles were not timely checked. In such a state of affairs England had every reason to look for a general, a powerful, and a cordial co-operation of the greatest part of Europe against France. For these reasons, he gave his most hearty support to the address.

The Earl of *Wycombe* conceived it to be his most indispensable duty to use every argument in his power to avert from his country so grievous a calamity as that of entering into a war, and conjured the House not to agree to the proposed address till they had well considered the consequences. This country, he insisted, was in no danger whatever, being equally secured by its insular situation, its internal resources, and the strong attachment of the people to the constitution. He conceived, therefore, that we had no ground for alarm on the first point mentioned in the message from his majesty. As to the second point, the security of our allies, it was impossible we could be told that Prussia had been attacked by France, and of course this part of the message must relate to Holland. If the navigation of the Scheldt was the subject of dispute, it appeared to him to be a matter of indifference to this country; except that in one view it would be of great advantage to our commerce and manufactures, by opening a new channel in the best and most convenient situation for sending our manufactures into all the continent of Europe. With regard to the propagation of French principles, he thought it by no means safe to go to war against principles. If the principles alluded to were levelling principles, they should be met with contempt, but he by no means reprobated all the French principles. Great stress had been laid on the cruelties perpetrated in France; but he could not think that they were a proper cause of war: in his opinion, these cruelties had all originated in the infamous expedition of the duke of Brunswick, which might be called a fraternity of kings for the purpose of imposing despotism on all Europe. Another ground taken by ministers, was the necessity of preserving the balance of power in Europe; but he could not see why this country should be ready, upon all occasions, to go to war for the benefit of other nations. This system he looked upon to be no more than a political fiction, a cover for any interference that caprice might dictate.—The next thing to which he wished to call the attention of the House, was, the means of carrying on the war. When the present supposed accumulation, of which ministers boasted, was exhausted, they must have recourse to new taxes; and if there was no absolute necessity for war, why burthen the people to maintain a war, of the issue of which no judgment could be formed; and the relative situation of France to this country was such, that the connexion of this country with her should not, he thought, be put to unnecessary hazard.

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The war might be carried on for some time without any additional duties; but when our resources were exhausted, taxes must follow, accompanied by the murmurs, if not execrations, of the people. The death of the king of France had been pathetically lamented by ministers, but they never attempted to interfere, and while they professed peace, used every haughty, irritating provocation to war. Upon the whole, he could view the war in no other light than as a revival of the system of extirpation that was the basis of the late American war.

Mr. *Whitbread* said, he should preface the few observations he thought it proper to submit to the consideration of the House, by declaring his abhorrence of the atrocious deed lately committed in France; it would stand one of the foremost in the black catalogue of crimes which history had to record; it would remain a foul stain upon the national character of the people amongst whom it had been perpetrated. But in tracing the source of this and other barbarities which had been committed in France, he denied that such had been the necessary consequences of the French revolution, or that such horrors were the necessary associates of republicanism. To the conduct of the powers combined against the liberties of France, to the sanguinary manifestoes of the duke of Brunswick, he conceived all these murders were to be attributed. Such manifestoes bore the stamp and character of those barbarians, both ancient and modern, to whom to conquer and to destroy were the same, rather than of the gallant and enlightened leader of the armies of two enlightened princes of Europe, at the close of the eighteenth century. The spirit of Attila was discernible in them, who describing the manner in which himself made war, in the emphatical words recorded by Mr. Gibbon, had said, "where Attila's horse sets his foot, the grass never grows." It was a melancholy consideration to humanity, that in endeavouring to turn our eyes from the scenes of blood in France, we could find no relief in contemplating the mild and christian virtues of the powers leagued against her. It had been said, in palliation of their manifestoes, that there had been no intention of carrying the letter of them into execution. Upon the folly of threatening that which we cannot, or do not intend to execute, he should make no comment: but what pledge had we that this assertion was true? The only victims which had fallen into the hands of the combined powers had been treated with exemplary cruelty and injustice. If, on the one hand, he saw Louis 16th confined in the prison of the Temple, on the other he saw M. la Fayette and his unfortunate companions, lingering in the cells of a German fortress. To a man of any firmness and resolution, the election would not be difficult to make between the catastrophe, and final momentary sufferings of Louis, and the slow consuming horrors in which La Fayette dragged on his existence. Mr. Whitbread professed himself an advocate for peace; for peace as connected with the prosperity of the country; for the prosperity of the country as connected with its honour; for the honour and prosperity of any country he considered inseparable. The House was then to consider whether war was justifiable upon any grounds stated in the papers upon the table, and whether ministers had done their utmost to avert that calamity. To both these he gave a decided negative; and before he adverted to the grounds stated in the papers, he should say something as to the real cause of war, as he conceived it would at length appear to be, if war were undertaken. This was no less than the total overthrow of the new system of government existing in France; for no other reason could ministers have refused to acknowledge the republic. They had admitted of non-official communications; this was an acknowledgment of the power residing in those persons with whom they thus communicated; but they refused to acknowledge the right of those persons to the exercise of the power with which they were invested. This was securing the possibility of joining with the combined powers, whenever a convenient opportunity might offer for the overthrow of the new system. He deprecated such an attempt, as contrary to the rights of nations. No country had a right to interfere with the internal arrangements adopted by another. The national will was supreme in every country; and that alone could constitute, alter, or modify forms of government. Could any man doubt that the nation willed a republic in France? If we attempted to interfere with the disposition of the national will, let us recollect upon what grounds the title of the king of England stood—upon

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the will of the nation; and one of the most despotic sovereigns in Europe, the empress of Russia, owed her elevation to the supposed expression of the national will at the revolution in 1762. She possessed the throne upon no other footing; and what form of government soever any nation willed for itself, such it had the right to adopt.—He now came to the first stated ground of complaint of this country against France, the decree of November 19; which decree he did not in itself defend; but he contended that the explanation which the French had been disposed to give of that decree, was such as to take away all well-founded apprehensions of any injury designed to this country, and certainly would not justify us in going to war. The next object stated, was the aggrandizement of France, which was likely to endanger the balance of Europe. Upon the subject of the balance of Europe, which now appeared to be a matter of such signal importance, he begged to call the attention of the House; and to the general conduct of his majesty's ministers in their endeavours to maintain that balance. At the time that the despotic powers had formed a combination against France, which it was not conceivable that she could resist; when it appeared that that country was to be overrun, and to become an easy prey to the duke of Brunswick, no apprehensions were entertained on account of the balance of power; the same supineness had been visible when the empress of Russia, in the course of the last summer, had taken possession of Poland; but now that the French were victorious, and having defeated their enemies, combined to crush them, the balance of power was in danger! But the aggrandizement of France was dangerous, as connected with the principles she propagated! He begged to know whether this apprehension was not equally well founded, when applied to the case of Russia? He conceived the principles of despotism propagated by the sword of the one, as dangerous to the general security of Europe, as the licentiousness propagated by the sword of the other. With regard to the request urged on the part of the British government, that the French should withdraw their troops within their own territory, in order to pave the way to any negociation with us, he thought such a demand the height of insolence. France had been attacked; she had successfully repelled that attack, and gained possession of the territory of her adversary, and had a right to maintain that possession, at least till the conclusion of the war, to enable her to make advantageous terms for herself. We had forced her to an anticipation of her designs on the subject of Brabant. She had declared her intention not to add the Low Countries to her own territories, but to suffer the Belgians to erect themselves into an independent sovereignty. He was not now inquiring whether it was justifiable to detach provinces from the power to which they belonged, and to give them independence; but the idea was not new; he recollected to have heard a right hon. gentleman (Mr. Burke) recommend it to the present minister as an object worthy to establish his reputation as a great statesman, to rescue the provinces of Bessarabia, Moldavia, and Wallachia, from the tyranny of the Grand Signior, and to erect them into an independent federated state, under the denomination of the Circle of the Danube. He did not conceive that ministers entertained any real apprehensions on the subject of the aggrandizement of France, as endangering the security of Europe, to which their inattention had been so notorious, nor did he find any justifiable cause for war on this ground.—The only remaining consideration was upon the subject of the exclusive navigation of the Scheldt. He had before stated an opinion on the subject of the natural right of the inhabitants of the banks of rivers to the free use and enjoyment of the waters of such rivers. He begged to restate his opinion; it was comprised in the words of that part of the decree of the National Convention, which says, "That the course of rivers is the common property of all the countries watered by them; that a nation cannot, without injustice, pretend to the right of occupying the channel of a river, to prevent the neighbouring nations who occupy the upper banks from enjoying the same advantage." He did not go the length of that decree in saying that "such right was revocable at every moment, and in spite of all convention;" for he held that the faith of treaties was paramount, and must be abided by. The right he contended for was antecedent to all treaty, that natural right, the nearer to which all treaties came, the nearer they were to the principles of justice. But if he were to say whence the French drew

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what were now deemed their extravagant notions on this point, he should look to the subsequent productions of a right hon. member of that House (Mr. Burke), who had said, in a celebrated speech, that "the benefits of Heaven to any community ought never to be connected with political arrangements, or made to depend on the personal conduct of princes; in which the mistake, or error, or neglect, or distress, or passion of a moment on either side, may bring famine on millions, and ruin an innocent nation, perhaps, for ages. The means of the subsistence of mankind should be as immutable as the laws of nature, let power and dominion take what course they may. The use of this river has indeed been given to the rajah, &c. This use of the water, which ought to have no more connexion than clouds and rains and sunshine with the politics of the rajah, the nabob, or the company, is expressly contrived as a means of enforcing demands and arrears of tribute. This horrid and unnatural instrument of extortion had been a distinguishing feature in the enormities of the Carnatic politics*." Thus had Mr. Burke thought, and thus did think the National Convention; but he owned that he did not go the whole length of their doctrines. A hard necessity, indeed, he should conceive it for Great Britain, to be forced to go to war, to maintain to the Dutch the exclusive navigation of the Scheldt; but he had never said that he was against supporting the faith of treaties, where the *casus fœderis* was clearly defined. But was it, in this instance, a new and unexercised right of nature for which it was contended? Certainly not. Antwerp was a monument of the exercise of that right by her inhabitants: and he was free to say, that it would give him joy to see the commerce of that once flourishing city restored; for the exclusive navigation of the Scheldt had been established by force, and consented to by weakness. But a necessary preliminary to these investigations, would have been some precise requisition of the Dutch for the stipitulated assistance of her ally. The chancellor of the exchequer had avowed that no such demand had been made; and if the House were to judge of the dispositions of the States General by their own declarations, he believed it would be found that they did not think it worth their while to go to war for the maintenance of this right. He alluded to the proclamation for a general fast put forth by the States General on the 10th of January, in which they declare, that they are then at peace, and that the strict neutrality they observed, had hitherto protected them from aggression. A manifest token that they did not consider the free navigation of the Scheldt, as asserted by the French, a reason for going to war. If, then, we did go to war on that ground, we should force our allies into it and not ourselves be involved in it by the terms of our alliance.—Mr. Whitbread said, that having gone through the matter contained in the papers, as far as they related to the probability of peace or war, he could find no justification of the conduct of administration. He thought the maintenance of peace, consistently with the dignity, honour, and interests of this country, was perfectly in in the power of ministers; but their conduct and words denoted war. He had still, however, a hope of peace remaining; that hope was founded on the knowledge he had of the character of his majesty's present servants. He knew that they had the faculty of enlarging or reducing objects precisely to the form in which they wished to consider them: that at one time, the little fortress of Oczakow had deranged their balance of power in Europe; that another the whole kingdom of Poland had been thrown into the scale without making a vibration in their political beam. He knew that they had never advanced too far to recede; that they had never threatened too much to retract. Their sentiments might again change. This, he confessed, was a desperate hope, because it was connected with the reflection, that the reins of government were in the hands of men so insufficient, so versatile, and so weak. He concluded with saying, that he could not give his assent to the address, as it then stood.

Mr. *Anstruther* viewed the late atrocious act with the utmost horror, and heartily joined in that part of the address which offered their condolence to his majesty on the mournful occasion. In adverting to the conduct of France, he could not help remarking the difference betwixt that conduct when under a monarchy crippled as it was after the king's acceptance of the new constitution, and

* Mr. Burke's Speech on the Debts of the nabob of Arcot. See Vol. 25, p. 182.

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what it now was: they had attacked the imperial cities, and had taken Brabant into their hands. He then mentioned their communication with societies in this country, and their dangerous principles; and said, that M. Chauvelin, alluding to those very societies, had stated in an official paper, that the French had received the English as brothers. As to the decree of the 19th of November, it was said to have been explained; but what was the explanation? Totally unsatisfactory and inconsistent with the decree itself. It was in fact a declaration against every existing government on the earth. With respect to the business of the Scheldt, he protested against the application of general principles against the faith of treaties. He was glad, however, that the grounds of war had been stated on so broad a basis. In fact the French now said, that having overturned their own old government, they were not bound by any of its treaties; a principle totally inconsistent with every notion of justice, and with the laws and faith of nations.—He then adverted to the infinite danger to be apprehended from the propagation of French principles. But we are asked, said he, whether we can combat principles by the sword? Most certainly, if they are propagated by the sword, they must be stopped by the sword. Honourable gentlemen had charged on the duke of Brunswick the origin of the murders and massacres in France: but was it their enemies whom the French had murdered? No; it was their brethren. Supposing wars to be carried on with cruelty, there could be no comparison betwixt the two; besides, the manifesto was never intended to be put in execution. He said, he looked on the conduct of France as expressly hostile to this country. They had interfered in our internal policy with respect to the alien bill; and in his opinion they ought to league with us in opposition to them. If liberty was of the nature held out by them, he would fly, he said, from the altar of liberty. He concluded with heartily concurring in the motion for the address.

Mr. *Fox* said, that although some words had fallen from the right hon. the chancellor of the exchequer which might lead him to think that war was not absolutely determined upon, yet the general tenor and impression of his speech was such as to convince him that there never was a time when the duty, which he owed, not merely to his immediate constituents, but to the whole people of Great Britain, of whom the members of that House were individually and collectively the virtual representatives, more imperiously called upon him, and upon every man, to speak out and declare his sentiments frankly and fairly. The misrepresentations and misconstructions of what he and those who thought as he did, had already said in the course of the present session, left him no room to doubt, that what he must now say, would be equally, and perhaps as successfully, misrepresented and misconstrued This only served to show, that they were on a service of honour as well as danger; but if he were deterred by misrepresentation and calumny from delivering opinions because they might be unpopular, and from deprecating a war with France as an evil to be avoided by every means consistent with the honour and safety of us and our allies, he should basely betray his trust to his constituents and his country.

The right hon. gentleman had introduced the several grounds of dispute with France, ably and eloquently; but the reasons for going to war, he did not mean to say for arming, had not been very accurately treated. The crimes, the murders, and the massacres that had been committed in France, he did not view with less horror, he did not consider as less atrocious than those who made them the perpetual theme of their declamation, although he put them entirely out of the question in the present debate. The condemnation and execution of the king he pronounced to be an act as disgraceful as any that the page of history recorded; and whatever opinions he might at any time have given in private conversation, he had expressed none certainly in that House, on the justice of bringing kings to trial: revenge being unjustifiable, and punishment useless, where it could not operate either by way of prevention or example, he did not view with less detestation the injustice and inhumanity that had been committed towards that unhappy monarch. Not only were the rules of criminal justice, rules that more than any other ought to be strictly observed, violated with respect to him; not only was he tried and condemned, without any existing law to which he was personally amenable, and even contrary to laws that did actually exist; but the degrading circumstances of his imprisonment, the unnecessary and insulting asperity with which

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he had been treated, the total want of republican magnanimity in the whole transaction (for even in that House it could be no offence to say, that there might be such a thing as magnanimity in a republic), added every aggravation to the inhumanity and injustice of those acts.

Now, having said all this as the genuine expression of his feelings and his conviction, he saw neither propriety nor wisdom in that House passing judgment on any act committed in another nation, which had no direct reference to us. The general maxim of policy always was, that the crimes perpetrated in one independent state were not cognizable by another. Need he remind the House of our former conduct in this respect? Had we not treated, had we not formed alliances with Portugal and with Spain, at the very time when those kingdoms were disgraced and polluted by the most shocking and barbarous acts of superstition and cruelty, of racks, torture, and burnings, under the abominable tyranny of the inquisition? Did we ever make these outrages against reason and humanity a pretext for war? Did we ever inquire how the princes with whom we had relative interests either obtained or exercised their power? Why, then were the enormities of the French in their own country held up as a cause of war? Much of these enormities had been attributed to the attack of the combined powers; but this he neither considered as an excuse, nor would argue on as a palliation. If they dreaded, or had felt an attack, to retaliate on their fellow citizens, however much suspected, was a proceeding which justice disclaimed; and he had flattered himself, that when men were disclaiming old, and professing to adopt new principles, those of persecution and revenge would be the first that they would discard. No man felt greater horror at the proceedings of the combined powers than he did. A combination more dangerous to the tranquillity of Europe and the liberties of mankind had never been formed. It had been said that Austria was not the aggressor in the war with France. Had those, who said so, seen the treaty of Pilnitz? Let them look at that treaty, take the golden rule of supposing themselves in the situation of the French, and, judging of others as they would wish to be judged, say whether or not the French had been the aggressors. But, whatever might be thought of Austria, was the king of Prussia attacked by France? Were his territories menaced, or his allies insulted? Had he not been completely the aggressor, he would have called upon us as his allies for succour: no such call had ever been heard of: a sufficient proof, if any proof were wanting, that he never considered himself but as engaging in an offensive war. What were the principles of these combined powers? They saw a new form of government establishing in France, and they agreed to invade the kingdom, to mould its government according to their own caprice, or to restore the despotism which the French had overthrown. Was it for the safety of English liberty (liberty that might still be mentioned without offence), that if we should make any change in our form of government or constitution, and that change should be disagreeable to foreign powers, they should be considered as having a right to combine, and replace what we had rejected, or give us any thing else in its room by fire and sword?

He would not go over the atrocious manifestoes that preceded or followed the march of the combined armies; there was not a man in the House, or at least but one (Mr. Burke), who would attempt to defend them. But these it seemed were not to be executed — he hoped they were not; but the only security he knew of was, that those who issued them had not the means. What was their conduct? Their mode of raising money was at least as bad as that with which the French were reproached. The French confiscated property where they carried their arms; the Duke of Brunswick took what he wanted, and gave paper for it in the name of the unfortunate monarch whom he pretended to assist. He contracted debts in the name of the French king, which he knew the French king might never have the means or the inclination to pay; and this swindling trick, for which any man in this country would have been convicted and punished, he continued after he had begun his retreat. Yet we stood by and saw all this without alarm; certainly without interference. We perceived no danger in the success of despotism; but the moment the opposite cause became successful, our fears were extreme.

He should now show, that all the topics to which he had adverted, were introduced into the debate to blind the judgment, by rousing the passions, and were none of them the just grounds of war. These grounds were three: the danger of Holland; the decree of the French Convention

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of November the 19th; and the general danger to Europe from the progress of the French arms. With respect to Holland, the conduct of ministers afforded a fresh proof of their disingenuousness. They could not state that the Dutch had called upon us to fulfil the terms of our alliance. They were obliged to confess, that no such requisition had been made; but added, that they knew the Dutch were very much disposed to make it. Whatever might be the words of the treaty, we were bound in honour, by virtue of that treaty, to protect the Dutch, if they called upon us to do so; but neither by honour nor the treaty till then. The conduct of the Dutch was very unfortunate upon this occasion. In the order for a general fast by the States, it was expressly said, "that their neutrality seemed to put them in security amidst surrounding armies, and had hitherto effectively protected them from molestation.

This he by no means construed into giving up the opening of the Scheldt on their part; but it pretty clearly showed that they were not disposed to make it the cause of a war, unless forced to do so by us. But France had broken faith with the Dutch—was this a cause for us to go to war? How long was it since we considered a circumstance tending to diminish the good understanding between France and Holland, as a misfortune to this country? The plain state of the matter was, that we were bound to save Holland from war, or by war, if called upon; and that to force the Dutch into a war, at so much peril to them, which they saw and dreaded, was not to fulfil but to abuse the treaty. Hence he complained of the disingenuous conduct of ministers, in imputing that to the Dutch which the Dutch wished to avoid.

The decree of the 19th of November he considered as an insult; and the explanation of the Executive Council as no adequate satisfaction; but the explanation showed that the French were not disposed to insist upon that decree, and that they were inclined to peace; and then our ministers, with haughtiness unexampled, told them, they had insulted us, but refused to tell them the nature of the satisfaction that we required. It was said, we must have security; and he was ready to admit that neither a disavowal by the Executive Council of France, nor a tacit repeal by the Convention, on the intimation of an unacknowledged agent, of a decree, which they might renew the day after they repealed it, would be a sufficient security. But at least we ought to tell them what we meant by security; for it was the extreme of arrogance to complain of insult without deigning to explain what reparation we required: and he feared an indefinite term was here employed, not for the purpose of obtaining, but of precluding satisfaction. Next it was said, they must withdraw their troops from the Austrian Netherlands, before we could be satisfied. Were we, then, come to that pitch of insolence as to say to France, "You have conquered part of an enemy's territory who made war upon you, we will not interfere to make peace, but we require you to abandon the advantages you have gained, while he is preparing to attack you anew." Was this the neutrality we meant to hold out to France? "If you are invaded and beaten, we will be quiet spectators; but if you hurt your enemy, if you enter his territory, we declare against you." If the invasion of the Netherlands was what now alarmed us—and that it ought to alarm us if the result was to make the country an appendage to France there could be no doubt—we ought to have interposed to prevent it in the very first instance; for it was the natural consequence, which every man foresaw, of a war between France and Austria. The French now said, they would evacuate the country at the conclusion of the war, and when its liberties were established. Was this sufficient? By no means: but we ought to tell them what we would deem sufficient, instead of saying to them as we were now saying, "this is an aggravation, this is nothing, and this is insufficient." That war was unjust which told not an enemy the ground of provocation, and the measure of atonement; it was as impolitic as unjust, for without the object of contest, clearly and definitively stated, what opening could there be for treating of peace? Before going to war with France surely the people, who must pay and must suffer, ought to be informed on what object they were to fix their hopes for its honourable termination. After five or six years war, the French might agree to evacuate the Netherlands as the price of peace. Was it clear that they would not do so now, if we would condescend to propose it in intelligible terms? Surely in such an alternative, the experiment was worth trying. But, then, we had no security against French principles!

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What security would they be able to give us after a war which they could not give now?!

With respect to the general danger of Europe, the same arguments applied, and to the same extent. To the general situation and security of Europe we had been so scandalously inattentive; we had seen the entire conquest of Poland, and the invasion of France, with such marked indifference, that it would be difficult now to take it up with the grace of sincerity; but even this would be better provided for, by proposing terms before going to war.

He had thus shown that none of the professed causes were grounds for going to war. What, then, remained but the internal government of France, always disavowed, but ever kept in mind, and constantly mentioned? The destruction of that government was the avowed object of the combined powers whom it was hoped we were to join; and we could not join them heartily if our object was one thing while theirs was another; for in that case the party whose object was first obtained might naturally be expected to make separate terms, and there could be no cordiality nor confidence. To this then, we came at last, that we were ashamed to own our engaging to aid the restoration of despotism, and collusively sought pretexts in the Scheldt and the Netherlands. Such would be the real cause of the war, if war we were to have —a war, which he trusted he should soon see as generally execrated, as it was now thought to be popular. He knew, that for this wish, he should be represented as holding up the internal government of France as an object for imitation. He thought the present state of government in France any thing rather than an object of imitation; but he maintained as a principle inviolable, that the government of every independent state was to be settled by those who were to live under it, and not by foreign force. The conduct of the French in the Netherlands was the same with such a war as he was now deprecating, and might be an omen of its success. It was a war of pikes and bayonets against opinions; it was the tyranny of giving liberty by compulsion; it was an attempt to introduce a system among a people by force, which the more it was forced upon them, the more they abhorred. The French appeared less moderate, from pretending to be more so, than other nations; by overturning the ancient government, and imposing theories of their own, on a people who disliked them while they pretended to liberate, instead of using their right of conquest. But was this such a crime in the eyes of Europe? As was said of the woman caught in adultery, which of the courts, that of London or Berlin, would cast the first stone? The states of Brabant, they were told, had *pacta conventa*, a legal and free government of their own. But, were the States free under the House of Austria, under Joseph, Leopold, or Francis? O yes! for when Dumourier was triumphantly entering Brussels, and the Austrian governors making their escape at a postern, they sent back a declaration to the States, restoring their magna charta, the *joyeuse entrée*, which had been the perpetual subject of dispute with their sovereign, and which all their remonstrances could never obtain before. This was the government that acted with such honour to its subjects, and put the French to shame! He feared that if they were to examine the conduct of foreign powers, in point of honour and good faith, they must be compelled to speak less civilly of them than policy would dictate. Why, then, had he touched upon it? Because the conduct of France was perpetually introduced to inflame and delude, and it was his duty to dispel the delusion, by showing that it was not more exceptionable than that of its neighbours.

In all decisions on peace or war, it was important to consider what we might lose, and what we could gain. On the one hand, extension of territory was neither expected nor eligible: on the other, although he feared not the threat of the French minister of marine, would any man say that our ally might not suffer; that the events of war might not produce a change in the internal state of Holland, and in the situation of the stadtholder, too afflicting for him to anticipate? In weighing the probable danger, every consideration ought to be put into the scale. Was the state of Ireland such as to make war desirable? That was a subject which had been said by some hon. gentlemen to be too delicate to be touched upon; but he approved not of that delicacy which taught men to shut their eyes to danger. The state of Ireland he was not afraid to mention. He thought it both promising and alarming;

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promising, because the government of this country had forced the government of that kingdom to an acknowledgment of the undoubted rights of a great majority of the people of Ireland, after having in a former session treated their humble petition with contempt, and in the summer endeavoured to stir up the Protestants against the Catholics; alarming, because the gross misconduct of administration had brought the government and the legislature into contempt in the eyes of the people. Here he called on his hon. friend (Mr. Windham) who had given the aid of his great talents, as secretary in Ireland, to an administration with which he had the honour of being connected, on the same principle on which he had declared, that he would support ministers when they had done mischief enough to be formidable, when they had brought the country into a situation sufficiently perilous, to accept of the same situation again, and avert the danger which they had created. He hoped the plan to be pursued would be conciliatory, that concession to the claims of the people would be deemed wisdom, and the time of danger the fit time for reform; in short, he hoped that the plan would be in every thing contrary to the declarations of the right hon. the chancellor of the exchequer.

The people of this country loved their constitution. They had experienced its benefits; they were attached to it from habit. Why, then, put their love to any unnecessary test? That love by being tried could not be made greater, nor would the fresh burthens and taxes, which war must occasion, more endear it to their affection. If there was any danger from French principles, to go to war without necessity was to fight for their propagation.

On these principles as reprobated in the proposed address, he would freely give his opinion. It was not the principles that were bad and to be reprobated, but the abuse of them. From the abuse, not the principles, had flowed all the evils that afflicted France. The use of the word "equality" by the French was deemed highly objectionable. When taken as they meant it, nothing was more innocent; for what did they say? "all men are equal in respect of their rights." To this he assented; all men had equal rights, equal rights to unequal things; one man to a shilling, another to a thousand pounds; one man to a cottage, another to a palace; but the right in both was the same, an equal right of enjoying, an equal right of inheriting or acquiring, and of possessing inheritance or acquisition. The effect of the proposed address was to condemn, not the abuse of those principles (and the French had much abused them), but the principles themselves. To this he could not assent, for they were the principles on which all just and equitable government was founded.

Mr. Fox said, he had already differed sufficiently with a right hon. gentleman (Mr. Burke) on this subject, to wish to provoke any fresh difference; but even against so great an authority he must say, that the people are the sovereign in every state; that they have a right to change the form of their government, and a right to cashier their governors for misconduct, as the people of this country cashiered James 2nd, not by a parliament, or any regular form known to the constitution, but by a convention speaking the sense of the people; that convention produced a parliament and a king. They elected William to a vacant throne, not only setting aside James, whom they had justly cashiered for misconduct, but his innocent son. Again, they elected the house of Brunswick, not individually, but by dynasty; and that dynasty to continue while the terms and conditions on which it was elected were fulfilled, and no longer. He could not admit the right to do all this but by acknowledging the sovereignty of the people as paramount to all other laws.

But it was said, that although we had once exercised this power, we had in the very act of exercising it, renounced it for ever. We had neither renounced it, nor, if we had been so disposed, was such a renunciation in our power. We elected first an individual, then a dynasty, and lastly passed an act of parliament in the reign of queen Anne, declaring it to be the right of the people of this realm to do so again without even assigning a reason. If there were any persons among us, who doubted the superior wisdom of our monarchical form of government, their error was owing to those who changed its strong and irrefragable foundation in the right and choice of the people, to a more flimsy ground of title. To those who proposed repelling opinions by force, the example of the French in the

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Netherlands, might teach the impotence of power to repel, or to introduce. But how was a war to operate in keeping opinions supposed dangerous out of this country? It was not surely meant to beat the French out of their own opinions; and opinions were not like commodities, the importation of which from France war would prevent. War, it was to be lamented, was a passion inherent in the nature of man; and it was curious to observe, what at various periods had been the various pretences. In ancient times wars were made for conquest. To these succeeded wars for religion, and the opinions of Luther and Calvin were attacked with all the fury of superstition and of power.

The next pretext was commerce; and it would probably be allowed that no nation that made war for commerce ever found the object accomplished on concluding peace. Now we were to make war on account of opinions; what was this but recurring again to an exploded cause? For a war about principles in religion was as much a war about opinions, as a war about principles in politics. In the excellent set of papers alluded to by the right hon. the chancellor of the exchequer, and which he had no doubt had been liberally distributed to the gentlemen who had lately got so many new lights on French affairs, the atheistical speech of Dupont in the convention was quoted. But did they believe all the French to be atheists and unbelievers on account of that speech? If they did so believe, there would certainly be no reason to complain of them for want of faith. But, admitting that the French were all atheists, were we going to war with them in order to propagate the christian religion by means contrary to the precepts of Christ? The justifiable grounds of war were insult, injury, or danger. For the first, satisfaction; for the second, reparation; for the third, security was the object. Each of these, too, was the proper object of negociation, which ought ever to precede war, except in case of an attack actually commenced. How had we negociated? Not in any public or efficient form, a mode which he suspected, and lamented, by his proposing it had been prevented. A noble lord (Beauchamp) had said, that he thought it his duty not to conceal his opinions on so important an occasion, by absence or by silence; formerly, the noble lord did not think absence so great a crime. During the nine unfortunate years that he had maintained the same political connexions with himself, the noble lord's attendance had not been very assiduous; and he rejoiced to hear that the noble lord meant now to compensate for past omissions by future diligence.

When the triple league was formed to check the ambition of Louis 14th, the contracting parties did not deal so rigorously by him, as we were now told it was essential to the peace of Europe that we should deal by the French. They never told Louis that he must renounce all his conquests in order to obtain peace. But, then, it was said to be our duty to hate the French for the part they took in the American war. He had heard of a duty to love, but a duty to hate was new to him. That duty, however, ought to direct our hatred to the old government of France; not to the new, which had no hand in the provocation. Unfortunately, the new French government was admitted to be the successor of the old in nothing but its faults and its offences. It was a successor to be hated, and to war against, but it was not a successor to be negociated with. He feared, however, that war would be the result, and from war apprehending greater evils than he durst name, he should have shrunk from his duty if he had not endeavoured to obtain an exposition of the distinct causes. Of all wars, he dreaded that the most which had no definite object, because of such a war it was impossible to see the end. Our war with America had a definite object, an unjust one indeed, but still definite; and after wading through years on years of expense and blood, after exhausting invectives and terms of contempt on the "vagrant congress," "one Adams," "one Washington," &c. &c., we were compelled at last to treat with this very congress, and those very men. The Americans, to the honour of their character, committed no such horrid acts as had disgraced the French; but we were as liberal of our obloquy to the former then as to the latter now. If we did but know for what we were to fight, we might look forward with confidence, and exert ourselves with unanimity; but while kept thus in the dark, how many might there be who would believe that we were fighting the battles of despotism! To undeceive those who might fall into this unhappy

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delusion, it would be no derogation from the dignity of office to grant an explanation. If the right hon. the chancellor of the exchequer would but yet consider—if he would but save the country from a war—above all, a war of opinion—however inconsistent with his former declarations his measures might be, he would gladly consent to give him a general indemnity for the whole, and even a vote of thanks. Let not the fatal opinion go abroad, that kings had an interest different from that of their subjects; that between those who had property and those who had none there was not a common cause and common feeling.

He knew that he himself should now be represented the partizan of France, as he had been formerly represented the partizan of America. He was no stranger to the industry with which these and other calumnies were circulated against him, and therefore he was not surprised; but he really was surprised to find that he could not walk the streets without hearing whispers that he and some of his friends had been engaged in improper correspondence with persons in France. If there were any foundation for such a charge, the source of the information could be mentioned. If it were true, it was capable of proof. If any man believed this, he called upon him to state the reasons of his belief. If any man had proofs, he challenged him to produce them. But, to what was this owing? The people had been told by their representatives in parliament that they were surrounded with dangers, and had been shown none. They were, therefore, full of suspicion and prompt of belief. All this had a material tendency to impede freedom of discussion, for men would speak with reserve, or not speak at all, under the terror of calumny. But he found by a letter in a newspaper, from Mr. Law, that he lived in a town where a set of men associated, and calling themselves gentlemen (Mr. Reeves's association at the Crown and Anchor), not only received anonymous letters reflecting on individuals, but corresponded with the writers of such letters, and even sometimes transmitted their slanders to the secretary of state. He could not be much surprised at any aspersion on his character, knowing this; and therefore he hoped the House would give him the credit of being innocent till an open charge was made; and that if any man heard improper correspondence imputed to him in private, he would believe that he heard a falsehood, which he who circulated it in secret durst not utter in public.

Mr. *Windham* agreed that in all probability the French had no wish at this moment to go to war with this country, as they were not yet ready to do so; their object seemed to be to take all Europe in detail, and we might be reserved for the last. It had been said, that no specific object had been held out for which this country should go to war; nor in his opinion could it always happen, that, previous to entering upon a war, the precise object which was to lead to its termination should be distinctly known. At present we go to war for the security of this country, to attain which would be the object of the war, though it might be impossible to say how or when that was to be obtained: in the same way, when a person is attacked by a ruffian, the object is to escape, though it may be uncertain by what means that may be accomplished. In his opinion, from the present declared dispositions of the French, war was inevitable, and the only choice left us was the time: and he thought it by no means prudent to wait till they were ready to attack us. He conceived the French to be actuated by as great a spirit of conquest at present as they had ever been. War might, no doubt, occasion some discontents in this country; but impressed as he was, that war was absolutely inevitable, neither that consideration, nor the calamities necessarily attending it, and which were always much to be regretted, bore at all upon his mind. His opinion of the views of the French, founded upon the whole tenor of their conduct for the last three or four years, could hardly be changed by any argument; and from thence conceiving it impossible that war could be avoided, he thought it should be undertaken when it might probably be most effectually carried on; negociation might, no doubt, be tried, but he had no hope that it would do any good.—Mr. Windham then proceeded to state strongly his ideas of the great danger of the propagation of French principles, and agreed entirely with Mr. Anstruther, that opinions and principles, supported and propagated by arms, ought to be opposed by arms. In his idea, the conquest of Great Britain by Louis 16th. would by no means have been a calamity

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equal to the propagation of French principles. In the one case, our persons might perhaps have been safe; all morality, order, and religion, would be totally overthrown in the other. This would be a war *pro aris et focis*, to the greatest extent.—In respect to the principle of interfering in the affairs of other countries, particular rules must govern particular cases. In queen Elizabeth's time this country interfered in the affairs of Holland; other instances had occurred; and France itself was at present interfering in every country into which she could force admission.—With respect to the duke of Brunswick's expedition, which had been called the cause of despots, he confessed he had wished it success, from the belief that the evil which that expedition was undertaken to remove was greater than any which could be apprehended from its success. He could by no means join with his right hon. friend (Mr. Fox) in his approbation of French principles, considered abstractedly; for they appeared to him as false in theory as in practice. As to the term equality and equal rights, in his opinion, it was curious to see a writer on that subject struggling with a definition of equality—only perplexing the matter farther by calling it equality of rights, and obliged to give a commentary as large as a pamphlet, before he could so define it as to make it capable either of assent or dissent.—As to what had been said of the sovereignty of the people, he should at present go no farther into the discussion than to enter his protest against the doctrine, that the people, or a majority, have a right to make and unmake governments according to their caprice; though he admitted that it was a general subject of intricate and important discussion.—France had an hatred to this country, not on account of ancient rivalry, but because our constitution was a perpetual contradiction to their government. Who, he asked, ever expected advantages from war? But great as was the evil of war, there must even be something greater, namely, the occasion of it. As to the idea, that nothing but extirpation could effect the most desirable object of the war, that was viewing the matter in too dreadful a light: it would surely not be surprising, if a people, who had of late so often changed their opinion, should be brought again to alter it, and to adopt sentiments more consistent with the good order of all governments, and the general tranquillity of Europe, as well as more conducive to their own happiness.

Lord *W. Russell* said, that, although he had felt the greatest indignation and horror at the late proceedings in France, and most sincerely commiserated the fate of the late unfortunate king of that country, he had nevertheless heard nothing to convince him of the necessity or policy of a war, or to induce him to give his vote for the address.

The address was then agreed to.

Debate in the Lords on the King's Message for an Augmentation of the Forces.] Feb. 1.—The order of the day being read for taking his Majesty's Message into consideration,

Lord *Grenville* trusted, that upon the motion that he had to make to their lordships there could be but one opinion in that House. The period in which he spoke he would not hesitate to say was momentous; it was big with the future fate of this country and of Europe; and as we now acted, must we hereafter expect to experience the good or bad effects of that line of conduct which we should adopt. By our present decision must the empire of Britain stand or fall; and in our fate would be involved that of every existing government of Europe. He trusted that the House would readily concur with his majesty in expressing its most marked indignation at a recent transaction in Paris—a transaction that had filled Europe with amazement and horror, and had been received in this country with a degree of feeling and emotion that made him glory in being an Englishman. Of the dreadful principles that had been established in France, the transaction to which he alluded was a melancholy proof. In defiance of every principle of justice and humanity, a self-constituted faction had dethroned the monarch to whom they had sworn allegiance, had violated and overturned the constitution they had sworn to maintain, and had committed an act that was unexampled in the history of modern Europe—an act that was still heightened by circumstances of greater atrocity than that which Englishmen blushed at the recital of, and which formed the greatest blot in the history of their country. This amiable monarch, who had so recently fallen a victim to the new principles of France, was a prince remarkable for his humanity, his justice, and his regard for

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the interests and welfare of his people. Sacrificing all personal considerations, he convoked the states general, and thus voluntarily gave liberty to France; but while he thus conceded every thing that his subjects could have required, he laid the foundation of his own ruin, and of the dreadful misfortunes that now overwhelmed that unhappy country. In place of the establishment of a rational liberty, at which every friend to mankind would have rejoiced, there had been reared a system at war with every thing that men have been accustomed to revere—with every principle that can conduce to the support of civil society. Upon the ruins of social order, of humanity, and of religion, had been reared the tree of liberty; but let us judge of this tree of liberty by the fruit which it had produced: an innocent monarch had been cruelly murdered by a self-constituted power, without having violated any existing law, and in violation of every principle of justice: his judges were a party in the cause—they were accusers, judges, and jurors; and so undefined were their powers, that many of them were at a loss under what denomination to give their vote upon a question so important as the life of their prince. But, under all these circumstances of horror and injustice, had the operation of the French principles been confined to their own country, however, we might have deplored the consequences, we should have had less reason to arraign them; but when we see a wish, on the part of the French, to extend them to other countries, and busily employed in endeavouring to effect this purpose, it became a momentous consideration indeed. We might see the same scenes performing here: we might see them crowned by the same horrible and atrocious act. The slightest supposition of such a possibility, he was certain, would not only deeply affect every man in that House, but every subject of the British empire.—His lordship said he should now proceed to explain himself upon those points which he thought most material. Nothing could have been more just or generous than the conduct of this country towards France: from the earliest period of their revolution we had studiously declined all interference; and had they confined themselves to the limits of their own territory, and the internal arrangement of their own affairs, the same system of scrupulous neutrality would have been religiously observed. His majesty had observed, with respect to France, the strictest neutrality; a line of conduct that he was reluctantly obliged to change, not only in his own defence, but for the preservation of every existing system of Europe, in the balance of which Great Britain not only formed a principal part, but in the due preservation of which she had so material an interest.—It had been said, that because Holland had not made any positive requisition to us respecting the opening of the Scheldt, it was not our business to volunteer our assistance; but he would refer it to the decision of the House, whether it was not a stronger reason for our offering our assistance, because a valuable and ancient ally was intimidated by the overbearing power of France from demanding that assistance to which she had a right? It was material to the existence of Great Britain, that Holland should remain a free and independent state: it was particularly material that she should not be under the influence of the power and of the present principles of France. In that unhappy and distracted country there had been, within the short space of three or four years, no less than three revolutions. No sooner had they sworn to the maintenance of one, than they established another form of government; and what their next was to be, for at present they had none, it was impossible to foretell. It seemed to be their object, however, first to overturn every other established system in Europe—a principle which, in the earlier stages of their revolution, and indeed till within these two months, they had formally and anxiously disclaimed. The dreadful transactions of the 10th of August, and of the 2nd and 3rd of September overturned the last constitution, to which they had sworn allegiance, and dissolved the power of the king. His majesty soon after thought it proper to recall his ambassador from Paris, as there was no legally-constituted power with whom he could communicate. M. Chauvelin, the accredited minister of his most Christian majesty, still remained here, though his functions had ceased. His majesty did not choose to order him to depart, because that would have been a virtual acknowledgment of the king's deposition; but all official communication with him was suspended. At the time when France was threatened by the combination of foreign powers against her, her

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language was moderate, and her conduct, with respect to foreign powers at least, sufficiently just.—It would appear, from the papers on their lordships table, that his majesty had been applied to to mediate between France and the allied powers; but, ever zealous to preserve to his own subjects the blessings of peace, he had declined all interference in a point in which it would avail nothing, and might ultimately involve him in the quarrel. It was known to their lordships, that the combined armies had entered France; and it was likewise known, that from the unforeseen contingencies of war they were obliged to retire. Then the system of France became entirely changed: she began to form and to indulge those views of aggrandisement and of conquest which she had formally and solemnly relinquished; and, under the pretext of spreading universal liberty and fraternity, she aimed at universal conquest. She had overrun with her arms the whole of the Netherlands, the province of Nice, the dutchy of Savoy, and several other states situated upon the Rhine; and her conquests were attended with consequences unknown to civilised nations. It was the distinguishing characteristic between the wars of civilised and barbarous nations, that, in the former, wars were carried on in the names of the kings, and, in the latter, it was a war of the multitude. In the former, personal property was always considered as sacred; individuals were not only left in complete possession of their property, and their civil privileges, but of their religion, which was of much more consequence than either: the conqueror only claimed as his right the public revenue of the country. But far different was the warfare which the French now carried into every country which they could reach: they not only seized the public revenue of such countries, but private property was confiscated, every higher order was proscribed, and none were permitted to remain but the lowest and poorest mass of the people. Even these, too, were denied the exercise of their religion: every thing was compelled to yield to the more enlightened system of France. Such was the fraternity which Frenchmen carried into foreign countries, which they invaded without provocation, and tyrannised over without remorse; and such fraternity was France anxious to extend to this happy, this favoured island! It had been said, that the persons who now exercised what they called the executive power in France were anxious to treat with this country, and were unwilling to go to war with us. With the present power in France, he contended, it was impossible to treat; for there the momentary will of an armed multitude had been substituted for order and law. At the very moment that we were carrying on a correspondence with their agent here, one of their ministers had published a proclamation to the seaports, inviting them to a war with England; inciting them to bring aid to the republicans of England; and threatening to send over the red bonnet of liberty to their republican friends. Was it upon the promises or protestations of such men that we could rely? No. Let us judge of them by their acts: it is by their conduct only that we can form an opinion of their wish to avoid a war with this country: they knew the only terms upon which it could be avoided. Upon that head we had acted with the characteristic candour and openness of Englishmen; but, in place of subscribing to those terms, they were preparing for fresh conquests, and our ally, the Dutch, were in the most perilous situation. In place of withdrawing their forces within the limits of their territory, the French had insolently said, they would retain the possession of Belgium until the conclusion of the war, or until the consolidation of the liberties of that country. And who is to be the judge of this consolidation, as they are pleased to term it? The French themselves; those very men who were busied in the act of plunder and rapine, and who, should they ever relinquish their conquest, would leave it a miserable ruin. He would positively state, that the safety of Europe demanded that these provinces should be rescued from the tyrannous gripe of France; and it would likewise be material under what government they were afterwards to be established. He would not scruple to declare, that he should think them equally dangerous if established as an independent republic, as if they were to be under the immediate yoke of France; for that powerful and overweening empire would still sway them under that specious, but empty, form of liberty and independence.—Much had been said about the Scheldt being the only source of enmity between this country and France. The causes of enmity and jealousy were innumerable; and there

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was one much stronger than any that existed between those two countries, when France thought proper to declare war against Austria. It was the chief cause of complaint on the part of France, that the emperor had upon his frontiers bodies of unfortunate men, who had been driven from their country, and who longed to return to it in safety and with honour. At the present moment, when France pretends to be so anxious to avoid a war with England and her ally the Dutch, the latter has a much stronger reason, in fact, for hostility, than France had against Austria. The French have planted upon the Dutch frontiers a band of rebels and desperate banditti, who have fled their country for crimes; and from this body are disseminated, by French agents in Holland, principles and plans dangerous to the government of that country, and hostile to the peace of Europe. The present, he conceived to be a period the most dangerous and critical to this country; one in which it became us to exert our energies for the preservation, not of our political balance only in the scale of Europe, but of all those blessings which we so exclusively enjoy. Negociation had been tried in vain; there was but one alternative; and it was a pleasing consolation to his majesty's ministers, in the line which they were obliged to pursue, that they had with them the almost united voice of the British empire. His lordship then moved, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious message, and for the communication of the papers which, by his majesty's command, have been laid before us: to offer his majesty our heartfelt condolence on the atrocious act lately perpetrated at Paris, which must be viewed by every nation in Europe as an outrage on religion, justice, and humanity, and as a striking and dreadful example of the effect of principles which lead to the violation of the most sacred duties, and are utterly subversive of the peace and order of all civil society:—To assure his majesty, that it is impossible for us not to be sensible of the views of aggrandizement and ambition which, in violation of repeated and solemn professions, have been openly manifested on the part of France, and which are connected with the propagation of principles incompatible with the existence of all just and regular government: that, under the present circumstances, we consider a vigorous and effectual opposition to those views and principles as essential to the security of every thing which is most dear and valuable to us as a nation, and to the future tranquillity and safety of all other countries:—That, impressed with these sentiments, we shall, with the utmost zeal and alacrity, afford his majesty the most effectual assistance, to enable his majesty to make a farther augmentation of his forces by sea and land, and to act as circumstances may require in the present important conjuncture, for maintaining the security and honour of his crown, for supporting the just rights of his allies, and for preserving to his people the undisturbed enjoyment of the blessings which, under the Divine Providence, they derive from the British constitution."

Earl *Stanhope* rose, he said, upon the most important occasion that ever he had witnessed, to declare his opinion that this calamity, pregnant with ruin to England, had been brought on us by ministers. It had been provoked by no aggression. England had neither been injured nor insulted; but we were drawn into this most imminent of all dangers, by a system of pride, peevishness, and passion, incompatible with sound wisdom and true policy. Every man of humanity ought to exert himself to avert the evil from his country; and he took upon him to say, that even yet it might be avoided, if we would shake off the false pretences under which we covered our real designs, and acted with the openness and candour that became a great nation. The noble earl read part of a letter from citizen Condorcet, expressing the anxious desire of the French to maintain an amicable understanding with England. And this friendship might have been maintained, but for the insidious and crooked manner in which our ministers had carried on the negociation. They were willing, forsooth, to carry on an unofficial correspondence; and thus they contrived to irritate a galled people, to wound their delicacy, to insult their distress, and to provoke their pride. As if all this were not sufficient, they completed the insult, by the outrageous manner of M. Chauvelin's dismission. Let us judge of them by ourselves. What would king William have done, if his minister had been so treated? Was there any neutrality in peremptorily demanding that they should

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quit Brabant, and at the same time, not as peremptorily demanding of the combined kings that they should not attack France? Neutrality, from its very essence, was equal. The noble secretary had said, that he saw no difference between annexing Brabant to France, and erecting it into an independent government. Did he mean, that we were to see it restored to the horror of its ancient bondage under the house of Austria? He would tell the noble secretary that he had no right to enslave any person. He had heard many things that day brought forward to inflame the passions of the public. How poor and pitiful were such expedients! Let us look back to our own history, and see whether our own government had not been stained by acts as horrid. Did we not, by act of parliament, set a price of 100,000*l.* on the head of the Pretender? And yet, with the memory of this fact, to repress our malignity, we endeavour to inflame the public mind by reproaches on the disordered state of France. What will all this avail you? You will not make this a war of the people of Great Britain. It is a war of the government of England, against the funds of England, against her paper currency, against her manufactures, against her best and dearest interests. The real motives for this war is, that you dislike the principles of the French revolution. If these principles are good, it is not your war that will extinguish them. But how are you to oppose them? What is our army; what our militia, compared with the army and militia of France? They have voted an army of 500,000 men. We may vote men too; but where shall we find the money? In what way were we to carry on this war? Were we to attack the French islands? They wished to lose them. But he desired their lordships to recollect that on the French possessing their islands, depended the continuance of ours. Had we calculated on the probable insurrections in those islands? He warned their lordships against the danger of driving them to desperation, and concluded with moving an amendment to the address, by omitting all the words after the first sentence, and substituting the following: "To assure his majesty, that this House will take into its earliest consideration the subject recommended by his majesty, and will zealously concur in the measures which, upon due deliberation, shall be found most conducive to the dignity of his majesty's crown, and the security and interests of his people. In the mean time, they humbly beg leave to recommend to his majesty, to exert every means becoming the dignity of his crown, to avert from this country the calamities of war."

The Earl of *Darnley* declared his decided approbation of the measure proposed. This approbation his lordship grounded upon a comparison between the professions of the French nation and their uniform practice; the one continually running in a stream directly contrary to the other. The shocking tragedy lately acted at Paris, was also an additional and powerful incentive to his concurrence in the present measure; which he conceived to be called for by every sentiment that could actuate the feelings or understandings of mankind.

The Earl of *Carlisle* expressed his astonishment that there should be any opposition to a measure, upon which he had conceived there could be but one voice, one heart, and one mind throughout the nation at large. It had been imputed to ministers, that they possessed all the inclination, and sought the pretext for entering into a war. To him such an imputation appeared most preposterous; on the contrary, it must be self-evident, that instead of seeking the pretext for war, peace must of all things under heaven be the object which they must have most at heart. Was it to be believed that, when by the uninterrupted blessings of peace, the country had arrived at a state of unparalleled prosperity, that ministry were so lavish of their fame, as foolishly and wickedly to endeavour to throw down that fabric, in the raising of which so much pains had been taken?—Of the necessity and justice of the war, he entertained no doubt. We had been driven into it, not only by the necessity of the preservation of our good faith with our allies, but by the total want of it in those who have been endeavouring to divert our attention by professions to which their every action gave the lie. He would not attempt to excite their lordships feelings, or rouse their indignation by adverting to the recent butchery of their king, farther than as it tended to prove, that while they were preaching up the doctrines of humanity and philosophy, they were in fact void of every sentiment that ought to influence mankind, and in their conduct could only be compared to

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ferocious beasts. It was the great argument with those who were hostile to the present measures, that we ought to negociate rather than precipitate ourselves into hostilities with the French. But he would ask, how did our pursuing such precautions as might be necessary for putting us in a state of defence, in case we should be ultimately driven to the extremity of a war, preclude the success of a negociation; or rather, was it not the most effectual means of preserving, if possible, the continuance of peace, by showing we were ready for the opposite extreme? It had also been urged against ministers, that they were reluctant to treat with M. Chauvelin, or those with whom he acted; and that this reluctance was the more inexcusable, inasmuch as, let the event of the war be what it might, we must treat at last, and therefore it was better to do so now than after the waste of blood and treasure. To this he answered, that he trusted we should never be brought to negociate with men avowing such principles and abetting such practices as those which disgraced the present faction of France; that whenever they were ready to abandon the one, and abstain from the other, then and then alone could this country enter into any connexion with them, with a due regard either to her honour or safety. Upon these grounds he declared his decided approbation of the proposed address.

The Earl of *Derby* said, that he could not see the policy of the war, and why it ought not to be avoided. At the beginning of the American war, the country appeared to approve of it; but when the manufacturer loses a great part of the produce of his labour, will he not curse the war that has been so imprudently undertaken? He was entirely independent, and wanted nothing from either ministry or opposition; he therefore gave his vote according to his conscience, and should support the amendment.

Lord *Porchester* approved of the war. He said, it was a war, not of choice, but necessity: it was a war for every thing that was dear to us; perhaps for our very existence. It was not, therefore, a war to be entered upon on mercantile considerations. They were not to balance the probable profit and loss. They were not to inquire even into the means of carrying it on. If we were reduced to our last shilling, we should not tamely lie down, and suffer ourselves to be crushed.

The Earl of *Kinnoul* gave his hearty support to the address. For whatever might be the opinion of men and measures in general, he thought there ought to be but one voice, hand, and heart, on the present occasion, to support civil order and government, our excellent constitution in church and state, and the laws and magistracy of the realm, by which alone the life, liberty, and property of every individual, from the highest to the lowest, can be duly preserved. From the conduct of France, he thought war inevitable, and therefore should vote for the address.

The Earl of *Lauderdale* said, that he owed to the people of Great Britain a clear statement of the reasons which actuated him in his public conduct. He professed himself to be one of the people; and it was not the low and pitiful invectives that daily issued from the press, that should make him shrink from the prosecution of those reforms that he thought essential to the public happiness. He deplored the act of atrocity lately perpetrated in France, which was as distant from true policy as from humanity and justice. He spoke of the scene of horror with pathetic agitation; and said, that the passions of the multitude of France were fatally brought into the present ferment by the sanguinary manifestoes of the duke of Brunswick. Paris was to be consumed, and the army were to exterminate all who dared to oppose the arrogance of despotism. It was true, that the conduct of the French had been horrid; but he augured ill of the intention of the British ministers, when he saw them joining with their just complaints against France, the most insidious appeal to the passions. Good God! if they have reasons for devoting the country to war, cannot these reasons stand the test of sober discussion? Instead of submitting the grounds of complaint to rational disquisitions, a vile collection of papers is distributed at your lordships doors, pitifully contrived to excite your prejudices against the French nation, and to turn that into matter of anger and resentment, which ought to be the subject of the coolest and most deliberate reflection. They have collected all the absurdities of all madmen; all the monstrous propositions of the heated imaginations of individuals, to induce you to believe that this nation of madmen and speculatists are not to be reasoned with, but to be crushed. They rouse you to revenge,

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instead of calling upon you to deliberate. When I hear of the intemperance of Mr. Burke and Mr. Windham; when I heard a noble lord, during the short continuance of his disinterested support of government, calling the French by the most opprobrious terms; another calling them "ferocious beasts;" and when I daily hear the contemptible calumnies and provoking outcry against them, can I wonder that they should be exasperated in return, and that the multitude in both countries, thus goaded, should commit acts of the most rancorous hatred? Is this the conduct of statesmen and legislators among whom dispassionate reasoning ought alone to predominate? I am ready to own, that the acts of the Convention, for the three last months, have been monstrous and absurd. But in all their absurdity and wickedness, they have manifested an uniform desire of maintaining peace and friendship with England. He read some passages relative to this subject, from a report made by Brissot; and speaking of Brissot himself, added, that he was proud to rank him in the list of his friends. His virtues and talents merited the acknowledgment. If their lordships were determined to be guided by the dictates of sound policy and reason, it would be necessary to take into their consideration what were the objects for which we were rushing into a war. Was it for the purpose of joining in the league of kings, as it was termed, to restore the government of France to its former state and principles; or of totally extirpating that people? Whatever they might be, would it not be equally prudent and necessary to examine well into the means by which war was to be carried on? Whether, under the immense load of debt with which this country already groaned, it could bear such additional burthens as would be absolutely necessary to give vigour and effect to our operations? But most of all, were they not bound to consider well, what might be the probable event of the contest? We were told, that the French West-India islands would fall an easy prey to our arms. The fact was, the French cared not what became of them; they were no longer necessary to their system; and how could we be sure that by the very act of incorporation, we might not be introducing into our own islands the seeds of those very opinions we seemed so determined to root out? Supposing the French completely mistaken in their theory, were we sure we were about to pursue the proper means of reclaiming them from their errors? It certainly appeared rather paradoxical that the sword should be the only way to restore men to a right mode of thinking; and so far was he from being of that opinion, that he believed it was of all other measures the most calculated to confirm them in their opinions, and unite them in their determinations. He affirmed, that so far was France from being hostile to this country, that, as far as fell within his knowledge of them, during his late residence among them, he could with truth affirm, that all individuals, of whatever rank or station, in power or out of power, professed the utmost desire to preserve peace and harmony between the two countries.

Viscount *Stormont* said, the question was one of the most important that ever called for the consideration of parliament. He urged the propriety of strengthening the hands of government, in the present critical situation of affairs. He took notice of the striking contrast between the present state and resources of Great Britain and those of France. He said France had acknowledged a deficit of seven millions sterling, in one month; and what country on earth could sustain such a deficiency long? It was true, the Convention had issued eighty millions in assignats, but where was the fund to render them of any value, or to give security to those who took them? He spoke of the execution of the late king, as one of the most barbarous acts that ever disgraced the annals of any country. Having had the honour to be long in a public situation, he had had an opportunity of acquainting himself with the French monarch intimately, and if ever there was a man who had more of the milk of human kindness about him than another, it was Louis 16th. He showed that under the pretence of freedom, the French were in full exercise of the most unparalleled despotism. We had more to fear than ever from the ambition and policy of France; she pretended to annul all treaties made between sovereigns, because the people were not a contracting party; and, in that case, all the treaties that actually existed, must be annulled. He certainly did not approve of war, if it could possibly be avoided. It was difficult to calculate its expense, or what might be its consequences; but he was sure he should not repent the opinion he had just given,

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because he was convinced in his conscience that it was absolutely necessary. He could not allow that it would be a war against liberty, and in favour of despotism, seeing that there was no liberty in France. In no country in the world, could any parallel be found to the tyrannical proceedings that had been carried on there.

The Marquis of *Lansdown* said, that it was in vain to deplore what had now happened with respect to the late unfortunate king of France, though he was persuaded, that the death of that unfortunate monarch might, in some degree, be ascribed to the pride and obstinacy of his majesty's ministers, in refusing to open a negociation with the French republic, by which the life of the unfortunate Louis might have been saved. Among a body of men consisting of seven hundred, a majority of five hundred might have been obtained at less expense than it would cost to carry on the present war for a single day. He had, during the course of his political life been engaged in two wars; the first of which commenced in despondency, and terminated in triumph; the last had begun in confidence, and ended in despair, and both, by their accumulated pressure, had laid a debt of 150 million on the nation. Ministers had specified two grounds on which they wished to enter into a war with France: the one, to prevent her aggrandizement; the other to stop the progress of her principles. During the time of sir Robert Walpole, perhaps the wisest minister that England ever saw, France was suffered to take possession of Lorraine, a province infinitely more valuable than Savoy, without the slightest molestation; and, at a later period, she was permitted to seize Corsica, without any interruption from Great Britain. The noble secretary had stated, that it would be as prejudicial to the interests of Europe, if the Belgic provinces should be erected into an independent republic, as if they were united to the commonwealth of France; and in so doing, he appeared to have forgotten the negociation formerly carried on between Mr. Vandermersch and the British ministry, and the plan which had been concerted between our court and the king of Prussia, for wresting those territories from the House of Austria. With respect to French principles, as they had been denominated, those principles had been exported from us to France, and could not be said to have originated among the people of the latter country. The new principles of government, founded on the abolition of the old feudal system, were originally propagated among us by the dean of Gloucester, Mr. Tucker, and had since been more generally inculcated by Dr. Adam Smith, in his work on the Wealth of Nations, which had been recommended as a book necessary for the information of youth, by Mr. Dugald Stewart, in his Elements of the Philosophy of the Human Mind. But whatever these principles were, a metaphysical war was not the means of extinguishing them; and, as to France, it could not be hoped, that the utmost success would give us the possession of that country, into which the duke of Marlborough had dreaded to march, even after the battle of Blenheim. An attempt upon it would be as ridiculous as Charles 2nd's threat to the mayor of London, that he would move his court to Windsor; to which the mayor replied, "What! did your majesty say that you would move the Thames to Windsor!" The enthusiasm of the French people rendered them formidable enemies, however they might now be despised. He did not know whether one Englishman could beat ten Frenchmen, but he was sure, that one enthusiast could beat ten mercenaries; and, in a conversation at which, in an early part of his life, he had been present between the duke of Brunswick and some other generals, the same opinion had been declared by the company. Though he could not pretend to any correspondence which could entitle him to any extraordinary intelligence, yet he could with confidence affirm, that France was much disposed to be directed by the current opinion in this kingdom; and in consequence of this predilection, England had it now in her power to act the most glorious part that had ever been assigned to any nation. She might establish a constitution in France congenial to her wishes, and extricate Austria and our ally, Prussia, from the dilemma in which these two powers were involved. The temporary decrease of our public expenditure had been the effect of a long peace; but we had no permanent fund by which we could support the expense of a war. The French, on the contrary, by the power which their Convention possessed of creating assignats, had an unlimited capacity of obtaining credit to whatever amount it pleased. As a proof of what he asserted, he appealed to a communication made by gene-

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ral Dumourier to the National Convention, and which had not been previously communicated to any but the Executive Council. By this piece of intelligence, it appeared that Dumourier had negociated a loan from the clergy of the Low Countries, by the produce of which he would be enabled to maintain an army of 120,000 men for ten months. The idea of taking possession of the French colonies could hardly be realized; and, if we could obtain them, we should be under the necessity of restoring them as an equivalent for the losses sustained by our allies on the continent. And were we assured that the first step of the French would not be to arm the negroes, by which an universal insurrection in all our West-India islands might be excited? The petty privateers of France would destroy our trade; and considering the case in all its circumstances, the war must be ruinous, and unpopular in the country. It was not a war which specified any particular injury which we had sustained as a ground of hostilities; it was a war commenced on account of metaphysical opinions. The states of Holland were in the most defenceless condition, and no force we could supply was adequate to their safety. Considering, therefore, the question in every point of view, he would vote against the address.

The *Lord Chancellor* * observed, that though he was unwilling to accuse noble lords of irregularity, yet he could not help remarking, that the motion which was at present under the consideration of the House, had been totally lost sight of, the order of the day not calling upon them to decide upon the question of peace or war, but to take into consideration the propriety of an address in consequence of his majesty's message. It had been observed, that in the message to which he alluded, several remarks were introduced in relation to the murder of the late king of France, which the House had been told were calculated rather to inflame their passions than to convince their understandings. Passion, in his opinion, had little to do with the present case; it being only a transient emotion of the mind, whereas the tragical event which had lately happened at Paris had not only changed the garb of the nation, but seemed to impress every individual in it with sorrow. It surely, then, would have been indecent to have omitted taking notice of it in the message before the House. The next part of the message related to the views of aggrandizement on the part of France. The noble marquis had stated that this was a war of metaphysics, but who were the metaphysicians? They were 120,000 French soldiers, and their cannon, and bayonets were the arguments they used. Their effects had been felt and their lessons taught at Nice, Frankfort, the Low Countries, and Geneva. They did not allow the people any choice in their government or laws, but obliged them to receive such as were made by the Convention. Frankfort had expressly said, "we want none of your laws, ours are the best in the world; we have always been free, and wish not to change them," and the most arbitrary imposts were levied upon her in consequence of this declaration. In the Netherlands, they had done the same: the people wished for their own judges, their own laws, and their own religion; they wished to be free, and not to be obliged to adopt the customs of France; but cannon were planted every where to enforce the doctrines of these new metaphysicians. They wished to restore the constitution established by their ancient princes, under which their ancestors were flourishing and happy, when the other states of Europe were plunged in comparative ignorance and barbarism. The noble marquess had observed, that when Lorraine and Corsica were subjugated by France, no alarm had been taken by the then existing administration of the country; but it surely was a strange argument to assert, that because we had not resisted the former encroachments of France, we were therefore tamely to submit to her future ambitious projects. During the reign of Louis 14th, that prince had claim to certain cities in the Germanic empire, situate on the banks of the Rhine, and likewise to part of the Spanish dominions in the Netherlands; but even he, though he made a provisionary conquest of them, still preserved to their inhabitants the exercise of their private rights, and the enjoyment of their private property; and on the conclusion of hostilities they were generally restored to their former situation. But as affairs now stand, it was scarcely sufficient to require of France,

* Alexander lord Loughborough. On the 28th of January 1793, his lordship was called by his majesty to succeed lord Thurlow on the Chancery Bench.

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to return within her ancient limits, for she must still leave behind her the contamination of her doctrines, and the poison of her example. He must suppose himself to be mistaken, for as God was his judge, he could scarcely imagine any member of the House could seriously urge it, when he stated it as having been asserted by a noble lord, that on account of the weakness of our allies, we were justified in deserting their cause. Such a doctrine was so infamous in itself as to need no confutation, and he would not insult the understanding of the House by dwelling upon it. In order to magnify the resources of France, it had been said that Dumourier had negociated a loan with the clergy of Brabant, and this information had been derived from the Moniteur. According to the knowledge he had obtained from this source, he had discovered that this pretended loan consisted of drafts drawn by Dumourier at sight, at the point of the bayonet. As a proof of the uneasiness under which the Seven united provinces laboured on account of the opening of the Scheldt, he would appeal to a passage in the same paper, in which it is said, that the Dutch, since the preparations of England, were preparing to make every resistance. In the commencement of the present century we had a set of courtiers, who then were the correspondents of France, and wished to introduce its frippery, folly, and frivolity among us; but happily the spirit of the people defeated the attempt. And though the new-fangled doctrines of that people could hardly deceive the penetration of the lowest graduate in the schools, yet the practical effect of these miserable lessons ought to be resisted to the utmost of our power. In the works of dean Tucker, Adam Smith, and Mr. Stewart, to which allusions had been made, no doctrines inimical to the principles of civil government, the morals or religion of mankind were contained; and therefore to trace the errors of the French to these causes was manifestly fallacious. —The learned lord dwelt upon the language of M. Dupont, which was so well received in the National Assembly; in which, besides the profession of atheism, he also declared the collateral resolution of exterminating all kings whatever. It was consistent and true in the general course of affairs, that those who held atheistical principles, and rejected the adoration of the Supreme Being, should also disclaim all allegiance to the supreme power of the state. To hold such doctrines betrayed a coarse and vulgar intellect, incapable of observing the sublime order of nature; and was evidence, at the same time, of a wicked, base, and ungrateful mind, receiving continually the favours of Providence without acknowledging the obligation.—Referring to lord Lauderdale's acknowledgment of friendship and intercourse with Brissot, he observed, that friendship and attachment were matters of taste more than of feeling or affection; and as he possessed none of the modern innovating taste himself, so was he unable to account for it in others. The taste of many might incline them to take pleasure in the contemplation of the arts, of pieces of ancient sculpture, of cities laid in ruins, of palaces destroyed by earthquakes, of prostrate temples, &c. But the prevailing taste now was for revolutions, massacre, war, confusion, and the murder of kings; and he certainly did not envy that taste which induced any one to contract friendship with the leaders in the propagation of such principles. Much had been said, and acrimoniously too, of kings leading crusades against France: whereas, in fact, it was the French themselves who were embarked in a crusade against all the governments of the world—a crusade more wicked, and infinitely more ruinous than those of ancient times which were prompted by devotion. The Asiatic chief of the assassins, the Old Man of the Mountains, who was the terror of the christian crusaders, was extremely well calculated to be a confederate with those atheists. He had every quality to entitle him to shine as a French hero. The learned lord ridiculed the argument against opposing opinion by force of arms, when these very opinions were propagated by cannons, daggers, poisons, and open assassinations; when they even proscribed the parties they were opposed to, and in the face of the world proclaimed reward and honours to the assassins of kings.

The Amendment was then put and negatived without a division; after which, the motion for the address was agreed to.

Protest against the Rejection of the Amendment to the Address.] The following Protest was entered on the Journals:

"Dissentient,

1. "Because the immediate tendency

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of the address is, to plunge the nation into a war.

2. "Because we consider war as an evil of such magnitude, that nothing but absolute necessity can justify it.

3. "Because we have not heard of any danger to this country which renders war necessary.

4. "Because the observance of good faith towards our allies does not require us to engage in war, his majesty's ministers having admitted, that Holland has not demanded our interference, and it being notorious that Prussia has been the aggressor against France.

5. "Because, though we feel the utmost horror at the atrocious act of cruelty and injustice mentioned in the address, we think that no injustice, however flagrant, committed in a foreign state, and having no relation to other countries, is a just ground for making war.

6. "Because we are more likely to obtain the objects, whether of policy or principle, in the way of negociation than war; the aversion of France to break with this country, which has lately stood the test of repeated provocations, putting it in our power at this moment to give peace to all Europe; whereas, by entering into the war, we shall put all at stake; we shall be to join a league, whose duration cannot be depended on; our marine will be to act against armed vessels only, and that of the French against a trade which covers every quarter of the globe.

7. "Because in no view of policy, can we discover any advantage to be obtained to this country by war, however successful. The experience of our two last wars has taught us the little value of foreign acquisitions; for having lost America in the last of them, we now enjoy a more beneficial intercourse with it as an independent state, than we did when it formed a part of the British dominion.

8. "Because we think it the interest of this country to preserve peace with all mankind, but more especially with France.

9. "Because even if it should be thought consonant to the honour and magnanimity of this nation to seek the depression of France, that end will be most effectually promoted by leaving them to their own internal dissentions, instead of uniting them by an hostile aggression in a common cause, and thus calling forth all their energy.

10. "Because as every war must be concluded by a peace, negociation must at some time take place, and we must ultimately depend upon the good faith of France, unless we proceed upon a principle of partition, conquest, or extermination.

11. "Because the measures now in view will utterly derange our system of finance, our war resources having been applied towards defraying the expense of our peace establishment, in consequence of which our floating unfunded debt, which amounted at the commencement of the American war only to 3,100,000*l.* has accumulated to above ten millions, exclusive of India bonds; besides which, the additional effect that the late enormous extension of private banking, to an amount unknown, may have upon our public credit in case of war, is what no one can foresee.

12. "Because we dread the increase of those public burthens, which already bear so hard on the poorer part of the community; and because we are convinced that nothing can endanger our happy constitution, but an interruption of those blessings which it now affords us, by the calamities of an unnecessary war.

"LANSDOWN.
"LAUDERDALE."

"Dissentient,

"For the 1st, 2d, 3d reasons—and for that part of the 4th, beginning with the word (interference). For the whole of the 5th and 12th reasons.

"DERBY."

Earl Stanhope's Protest against a War with France.] Earl Stanhope entered the following Protest:

"Dissentient,

1st, "Because war is a state so unnatural, so barbarous in itself, so calamitous in its effects so immoral when unnecessary, and so atrocious when unjust, that every friend of humanity should endeavour to avoid it; and the establishment of a pacific system ought to be the first policy of a wise and enlightened nation.

2dly, "Because peace is always for the interest of the common people in all countries. And Great Britain and France, from their peculiar situation, have an evident interest to remain at peace with each other.

3dly, "Because it is a well known fact that the people in France, are in general, extremely desirous to maintain and strengthen, between that country and

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this, the bonds of amity and friendship. And ever since the overthrow of despotism in France, the commonalty in that nation have such irresistible weight, that we might rest assured that, as peace with Great Britain is for the interest, and is the wish of the people in France, it would therefore be the constant object of their government, if not first provoked by our ministers, by such acts as the sending away the French ambassador, and expressly refusing to acknowledge their new government.

4thly, "Because the old, despotic, and detestable government in France, from its secrecy, its perfidy, treachery and restless ambition, has been the fatal cause of many wars in Europe for several centuries past.—Therefore, any assistance given on the part of our government to any power in Europe that is endeavouring to restore that tyrannical form of government in France, is injurious to the true interests of this country.—And the people of France have, moreover, as just a right to enjoy civil liberty as ourselves.

5thly, "Because a war with France is at present most impolitic, extremely dangerous to our allies the Dutch, hazardous with respect to the internal peace and external power of this country, and is likely to be highly injurious to our commerce, which is the great source of our wealth, naval strength, and prosperity. And any material interruption to the trade, manufactures and industry of this kingdom, may at this time, be attended with consequences the most fatal.—The war may, therefore, prove to be a war against our commerce and manufactures, against the proprietors of our funds, against our paper currency, and against every description of property in this country.

6thly, "Because every man of feeling must exceedingly lament the numerous taxes and oppressive burthens already borne by the people of this kingdom, and also the present high price of various necessary articles of life; and if an unwise system of policy be pursued, it must inevitably increase those burthens and eventually put those necessaries of life beyond the reach of the laborious part of the community.

And 7thly, "Because these misfortunes ought the more to be deprecated, as it clearly appears that it would still be most easy to avoid them, if our ministers were to prefer a mild, just and pacific system, to the horrors of war, carnage and devastation.

(Signed) "STANHOPE."

The Address as at first proposed was then put and agreed to.

Motion for a Committee to consider of Means for expediting the Trial of Mr. Hastings.] Feb. 11. Major *Maitland* rose, to make his promised motion, respecting the trial of Mr. Hastings. He said, that in what he was about to say, nothing was farther from his thoughts, than to touch upon the political character of the unfortunate gentleman under impeachment: or to arraign the justice of the House in sending him to trial, or to censure the conduct of the managers; but still he must state the extreme length of the trial, as a departure from that principle of the law of England, which required that judgment should be speedily given in all cases, so that punishment might soon overtake guilt, or an acquittal, speedily proclaim to the world the innocence of the accused. In the case of Mr. Hastings, the departure from this principle had been greater than had ever been known on any former occasion, and the trial protracted to a length unexampled and unprecedented in the annals of this or any kingdom. Mr. Hastings had now been nine years under accusation; and nearly six years upon his trial. When it was considered, that this gentleman had returned home at an advanced period of life, and with a constitution impaired by the cares and fatigues necessarily attendant upon the government of a great empire, and broken by a long residence in a sultry climate, he was sure that no man could, by any calculation, suppose that his life could have lasted six years from the day of his return; and yet, during a period to which no one could have presumed his life would have been protracted, had this unfortunate gentleman been kept upon his trial, bending every year before the House of Lords, and the justice of his country. The length of this trial had been noticed in a neighbouring nation, and would no doubt be used as an argument by those who were disaffected to the constitution of England. From foreign or domestic foes he was anxious to take away every plausible argument against the constitution, that might be drawn from the delay of justice, occasioned by the unprecedented length of this trial: and it was his sincere wish that

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some member would undertake the task of devising a plan for expediting proceedings in criminal cases, and rendering it impossible that any other trial should ever be protracted to so astonishing a length. In turning over in his mind the hardship thrown upon Mr. Hastings, by the unexampled length of his trial, he had resolved to move that a committee should be appointed to consider of means for expediting the proceedings; and he meant in that committee to move two specific propositions, one, that the managers should be at liberty to carry on the trial, though the House of Commons should not be present in Westminster Hall. Of this he was aware that there was only one precedent, and that was in the impeachment of the earl of Strafford: he was also aware, that this mode was not without inconvenience and objection; for many cases might arise, in which the managers might have occasion to withdraw and consult their principals, which could not be done without great delay, if the House was not at hand and sitting. But this objection would not appear very forcible to those who considered, that on the days of trial the attendance of members in the House was generally very thin. The other specific proposition which he meant to move in the committee was, that a conference might be proposed to the Lords, for the purpose of devising means for accelerating the conclusion of the trial. He concluded by moving, "That a committee be appointed to consider of means for expediting the trial of the impeachment now depending against Warren Hastings, esq. and to report the same to the House."

Mr. *Dundas* agreed, that no blame was imputable to the House, who directed, the Lords who were to try, or the managers who conducted the impeachment. If it was true that the attendance of the House had not been so full as could be wished, it was also to be noted that from circumstances unavoidable, the managers box had not always been so full as at the commencement of the trial. The hon. gentleman had rather unnecessarily alluded to remarks made upon the length of the trial elsewhere. "The farce of Mr. Hastings's trial," he believed it was called in Brissot's report. With the author of that report he had neither friendship nor acquaintance; but he had seen that the trial was mentioned in it as a contrast to a more summary mode, which the reporter hoped would be adopted for trying ministers. If any thing like that more summary mode suggested by his friend on the other side of the water, was what the hon. gentleman meant to recommend, he should be inclined to prefer the present mode of proceeding, slow as it was. If the committee could devise any means of expediting the trial, he should not oppose it, although he did not think that much could be done. He regretted the length of the trial, both as a hardship on the party accused, if innocent, and as a delay and injury to the justice of the country, if he was guilty. But it must be recollected, that the trial differed materially from any former trial by impeachment. It embraced the numerous transactions of many years: the materials of evidence were to be brought from a distant country; and they were ten times more voluminous than any before collected. With respect to providing against the recurrence of any similar case that was already done by the act appointing a court of judicature for the trial of delinquencies committed in India. Of the two things intended by the hon. gentleman, that of empowering the managers to attend the trial without the House, he thought might be adopted, for he was not quite satisfied with the reasons on which it had been set aside on a former occasion; but a conference with the Lords, he did not conceive to be the proper mode of obtaining a closer attention to the trial, even if a closer attention could be given. The Lords in their judicial capacity might object to making any arrangement for expediting a trial with one of the parties. Perhaps a better mode would be for the accusers and the accused to compare the state of their evidence, and the lords would not object to any mode of saving time, on which both the parties were agreed. It would therefore be advisable for the committee to get such information from the managers and the counsel for Mr. Hastings, as could be given with propriety.

After a short conversation, the motion was agreed to, and a committee appointed.

Copies of Lord Auckland's Declaration, and Memorial to the States General.] Feb. 11. The following Papers were laid before both Houses:

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TRANSLATION of a Declaration delivered by Lord Auckland to the States General of the United Provinces; dated Hague, Nov. 16th, 1792.

DECLARATION.

The undersigned ambassador extraordinary and minister plenipotentiary of his Britannic Majesty, has received the King's orders to inform their high mightinesses the States General of the United Provinces, that his Majesty, seeing the theatre of war brought so near to the frontiers of the republic by the recent events which have happened, and being sensible of the uneasiness which may naturally result from such a situation, thinks it due to the connexion which subsists between him and the republic, that he should renew to their high mightinesses on this occasion, the assurances of his inviolable friendship, and of his determination to execute, at all times, with the utmost good faith, all the different stipulations of the treaty of alliance so happily concluded in 1788, between his majesty and their high mightinesses.

In making to their high mightinesses this declaration, the king is very far from supposing the probability of any intention on the part of the belligerent parties to violate the territory of the republic, or to meddle in the internal concerns of its government. The king is persuaded that the conduct which, in concert with his majesty, their high mightinesses have hitherto observed, and the respect to which the situation of his majesty and the republic justly entitles them, are sufficient to remove any ground of such apprehension. His majesty, therefore, confidently expects that no events of the war will lead to any circumstance from without, which may be injurious to the rights of their high mightinesses; and he strongly recommends to them to employ, in concert with his majesty, an unremitted attention and firmness to repress any attempts which may be made to disturb the internal tranquillity of the provinces.

His majesty has directed this communication to be made to their high mightinesses, in the full persuasion that nothing can more effectually conduce to the interest and happiness of both countries, than the continuance of that intimate union which has been established between them for the maintenance of their own rights and security, and with a view to contribute to the general welfare and tranquillity of Europe.

(Signed) AUCKLAND.

Hague, Nov. 16, 1792.

TRANSLATION of a Memorial presented by Lord Auckland, his Britannic Majesty's Minister at the Hague, to their high mightinesses the States General.

High and Mighty Lords;—The undersigned ambassador extraordinary and plenipotentiary of his Britannic Majesty, takes the earliest opportunity, in consequence of the express orders of the king, to lay before your high mightinesses copies of all the papers which have been exchanged, since the 27th of December last to the 20th of this month, between lord Grenville, secretary of state to his majesty, and M. Chauvelin.

The king, high and mighty lords, is firmly persuaded, that the sentiments and principles expressed on the part of Great Britain are perfectly conformable to those which animate your republic, and that your high mightinesses are disposed fully to concur in the measures which the present crisis demands, and which are a necessary consequence of these sentiments and principles.

The circumstances which have led to this crisis are too recent, and the conduct of the king too well known, for the undersigned to have occasion here to enter into any long detail. It is not quite four years since certain unhappy and deluded persons, assuming the name of philosophers, have presumed to think themselves capable of establishing a new system of civil society. In order to realize this dream, the offspring of vanity, it became necessary for them to overturn and destroy all established notions of subordination, of morals, and of religion, which had hitherto constituted the security the happiness, and the consolation of mankind. These destructive projects have but too well succeeded; but the effects of the new system which they wished to introduce, have only served to demonstrate the folly and wickedness of its authors. The events that have since so rapidly followed, surpass, in atrocity, all that has hitherto sullied the page of history. Property, liberty, security, and even life itself, have been the sport of this unbridled phrenzy of the passions, of this spirit of rapine, of hatred, and of the most cruel and unnatural ambition. The annals of

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mankind cannot present a period in which, in so short a space, so many crimes have been committed, so many misfortunes produced, and so many tears shed: in a word, at this very moment these horrors appear to have attained their utmost height.

During all this time the king, surrounded by his people, who enjoyed under the favour of providence a degree of prosperity without example, could not behold the misfortunes of others without the strongest emotions of pity and indignation; but, faithful to his principles, his majesty has never permitted himself to interfere in the internal affairs of a foreign nation, he has never departed from that system of neutrality which he had adopted.

This conduct, which the king has seen with satisfaction to have been equally observed by your high mightinesses, the good faith of which all Europe has acknowledged, and which ought to have been respected on many other accounts, has not been sufficient to secure his majesty, his people, and the republic, from the most dangerous and the most criminal conspiracies.

For several months past projects of ambition and aggrandizement, dangerous to the tranquillity and the security of all Europe, have been openly avowed: attempts have been made to spread throughout England, and this country, maxims subversive of all social order; and they have not scrupled to give to these detestable attempts, the name of revolutionary power. Ancient and solemn treaties, guaranteed by the king, have been infringed, and the rights and territory of the republic have been violated. His majesty has therefore in his wisdom judged it necessary to make preparations proportioned to the nature of the circumstances. The king has consulted his parliament; and the measures which his majesty has thought fit to take, have been received with the most lively and unanimous approbation of a people, who abhor anarchy and irreligion, who love their king, and will maintain their constitution.

Such, high and mighty lords, are the motives of a conduct, the wisdom and equity of which have hitherto insured to the king your concert and co-operation.

His majesty, in all that he has done, has ever been vigilant in the support of the rights and security of the united provinces. The declaration which the undersigned had the honour to deliver to your high mightinesses on the thirteenth of November last, and the arrival of a small squadron, destined to protect the coasts of the republic until their own maritime force should be assembled, are strong proofs of this fact. Your high mightinesses have witnessed this disposition of the king in every thing which his majesty has hitherto done. You will not be less sensible of it, in the measures which are now preparing: in consequence, his majesty is persuaded that he shall continue to experience on the part of your high mightinesses, a perfect conformity of principles and conduct. This conformity can alone give to the united efforts of the two countries, energy necessary for their common defence, to oppose a barrier to those evils with which Europe is menaced, and to preserve against every attempt, the security, the tranquillity, and the independence of a state, the happiness of which your high mightinesses ensure by the wisdom and firmness of your government.

Done at the Hague, the 25th of January, 1793. AUCKLAND.

The King's Message respecting the Declaration of War with France.] Feb. 11. Mr. Secretary Dundas presented the following Message from his Majesty:

"George *R.*

"His Majesty thinks proper to acquaint the House of Commons, that the assembly now exercising the powers of government in France, have, without previous notice, directed acts of hostility to be committed against the persons and property of his majesty's subjects, in breach of the law of nations, and of the most positive stipulations of treaty, and have since, on the most groundless pretences, actually declared war against his majesty and the United Provinces. Under the circumstances of this wanton and unprovoked aggression, his majesty has taken the necessary steps to maintain the honour of his crown, and to vindicate the rights of his people; and his majesty relies with confidence on the firm and effectual support of the House of Commons, and on the zealous exertions of a brave and loyal people, in prosecuting a just and necessary war, and in endeavouring, under the blessing of Providence, to oppose an effectual barrier to the farther progress of a system which strikes at the security and peace of all independent nations, and is pursued in open defiance of every principle of moderation, good faith, humanity, and justice.

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"In a cause of such general concern, his majesty has every reason to hope for the cordial co-operation of those powers who are united with his majesty by the ties of alliance, or who feel an interest in preventing the extension of anarchy and confusion, and in contributing to the security and tranquillity of Europe.

"G. R."

The Message was ordered to be taken into consideration to-morrow.

Debate in the Commons on the King's Message respecting the Declaration of War with France.] Feb. 12. The order of the day being read for taking his Majesty's Message into consideration,

Mr. *Pitt* rose and observed, that in proposing to the House an address in answer to his majesty's message, he did not conceive that there could be any necessity, in the present instance, at least in one view of the subject, for troubling them much at large. Whatever difference of opinion might formerly have existed with respect to subjects, on which, however, the great majority both of that House and the nation had coincided in sentiment, whatever doubts might be entertained as to the interest which this country had in the recent transactions on the continent, whatever question might be made of the satisfaction to which this country was entitled, or whatever question might be made of the mode of conduct which had been pursued by government, which lately had not been carried so far as to produce even a division; yet when the situation in which we now stood was considered, when those circumstances which had occurred to produce an alteration in the state of affairs since the last address, were taken into the account, he could not doubt but that there would be one unanimous sentiment and voice expressed on the present occasion. The question now was, not what degree of danger or insult we should find it necessary to repel, from a regard to our safety, or from a sense of honour; it was, not whether we should adopt in our measures a system of promptitude and vigour, or of tameness and procrastination; whether we should sacrifice every other consideration to the continuance of an uncertain and insecure peace.—When war was declared, and the event no longer in our option, it remained only to be considered, whether we should prepare to meet it with a firm determination, and support his majesty's government with zeal and courage against every attack. War now was not only declared, but carried on at our very doors; a war which aimed at an object no less destructive than the total ruin of the freedom and independence of this country. In this situation of affairs, he would not do so much injustice to the members of that House, whatever differences of opinion might formerly have existed, as to suppose there could be any but one decision, one fixed resolution, in this so urgent necessity, in this imminent and common danger, by the ardour and firmness of their support, to testify their loyalty to their sovereign, their attachment to the constitution, and their sense of those inestimable blessings which they had so long enjoyed under its influence. Confident, however, as he was, that such would be their unanimous decision, that such would be their determined and unalterable resolution, he should not consider it as altogether useless to take a view of the situation of the country at the time of his majesty's last message, of the circumstances which had preceded and accompanied it, and of the situation in which we now stood, in consequence of what had occurred during that interval.

When his majesty, by his message, informed them, that in the present situation of affairs he conceived it indispensably necessary to make a farther augmentation of his forces, they had cheerfully concurred in that object, and returned in answer, what then was the feeling of the House, the expression of their affection and zeal, and their readiness to support his majesty in those purposes, for which he had stated an augmentation of force to be necessary. They saw the justice of the alarm which was then entertained, and the propriety of affording that support which was required. He should shortly state the grounds upon which they had then given their concurrence. They considered that whatever temptations might have existed to this country from ancient enmity and rivalship, paltry motives indeed! or whatever opportunity might have been afforded by the tumultuous and distracted state of France, or whatever sentiments might be excited by the transactions which had taken place in that nation, his majesty had uniformly abstained from all interference in its internal government, and had maintained, with respect to it, on every occasion, the strictest and most inviolable neutrality.

Such being his conduct towards France, he had a right to expect on their part a suitable return; more especially, as this

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return had been expressly conditioned for by a compact, into which they entered, and by which they engaged to respect the rights of his majesty and his allies, not to interfere in the government of any neutral country, and not to pursue any system of aggrandizement, or make any addition to their dominions, but to confine themselves, at the conclusion of the war, within their own territories. These conditions they had all grossly violated, and had adopted a system of ambitious and destructive policy, fatal to the peace and security of every government, and which, in its consequences, had shaken Europe itself to its foundation. Their decree of the 19th of November, which had been so much talked of, offering fraternity and affiance to all people who wish to recover their liberty, was a decree not levelled against particular nations, but against every country where there was any form of government established; a decree not hostile to individuals, but to the human race; which was calculated every where to sow the seeds of rebellion and civil contention, and to spread war from one end of Europe to the other, from one end of the globe to the other. While they were bound to this country by the engagements which he had mentioned, they had showed no intention to exempt it from the consequences of this decree. Nay, a directly contrary opinion might be formed, and it might be supposed that this country was more particularly aimed at by this very decree, if we were to judge from the exultation with which they had received from different societies in England every address expressive of sedition and disloyalty, and from the eager desire which they had testified to encourage and cherish the growth of such sentiments. Not only had they showed no inclination to fulfil their engagements, but had even put it out of their own power, by taking the first opportunity to make additions to their territory in contradiction to their own express stipulations. By express resolutions for the destruction of the existing government of all invaded countries, by the means of jacobin societies, by orders given to their generals, by the whole system adopted in this respect by the National Assembly, and by the actual connexion of the whole country of Savoy, they had marked their determination to add to the dominions of France, and to provide means, through the medium of every new conquest, to carry their principles over Europe. Their conduct was such, as in every instance had militated against the dearest and most valuable interests of this country.

The next consideration was, that under all the provocations which had been sustained from France, provocations which, in ordinary times, and in different circumstances, could not have failed to have been regarded as acts of hostility, and which formerly, not even a delay of twenty-four hours would have been wanting to have treated as such, by commencing an immediate war of retaliation, his majesty's ministers had prudently and temperately advised all the means to be previously employed of obtaining reasonable satisfaction, before recourse should be had to extremities. Means had been taken to inform their agents, even though not accredited, of the grounds of jealously and complaint on the part of this country, and an opportunity had been afforded through them of bringing forward any circumstances of explanation, or offering any terms of satisfaction. Whether the facts and explanations which these agents had brought forward were such as contained any proper satisfaction for the past, or could afford any reasonable assurance with respect to the future, every member might judge from the inspection of the papers. He had already given it as his opinion, that if there was no other alternative than either to make war or depart from our principles, rather than recede from our principles a war was preferable to a peace; because a peace, purchased upon such terms, must be uncertain, precarious, and liable to be continually interrupted by the repetition of fresh injuries and insults. War was preferable to such a peace, because it was a shorter and a surer way to that end which the House had undoubtedly in view as its ultimate object—a secure and lasting peace. What sort of peace must that be in which there was no security? Peace he regarded as desirable only so far as it was secure. If, said Mr. Pitt, you entertain a sense of the many blessings which you enjoy, if you value the continuance and safety of that commerce which is a source of so much opulence, if you wish to preserve and render permanent that high state of prosperity by which this country has for some years past been so eminently distinguished, you hazard all these advantages more, and are more likely to forfeit them, by submitting to a precarious and disgraceful peace, than

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by a timely and vigorous interposition of your arms.—By tameness and delay you suffer that evil which might now be checked, to gain ground, and which, when it becomes indispensable to oppose, may perhaps be found irresistible.

It had on former debates been alleged, that by going to war we expose our commerce. Is there, he would ask, any man so blind and irrational, who does not know that the inevitable consequence of every war must be much interruption and injury to commerce? But, because our commerce was exposed to suffer, was that a reason why we should never go to war? Was there no combination of circumstances, was there no situation in the affairs of Europe, such as to render it expedient to hazard, for a time, a part of our commercial interests? Was there no evil greater, and which a war might be necessary to avoid, than the partial inconvenience to which our commerce was subjected, during the continuance of hostile operations? But he begged pardon of the House for the digression into which he had been led—while he talked as if they were debating about the expediency of a war, war was actually declared: we were at this moment engaged in a war.

He now came to state what had occurred since his majesty's last message; and to notice those grounds which had served as a pretext for the declaration of war. When his majesty had dismissed M. Chauvelin, what were then the hopes of peace? He was by no means sanguine in such hopes, and he had stated to the House that he then saw but little probability that a war could be avoided. Such then was his sentiment, because the explanations and conduct of the French agent were such as afforded him but little room to expect any terms which this country could, either consistently with honour or a regard to its safety, accept. Still, however, the last moment had been kept open to receive any satisfactory explanation which might be offered. But what, it might be asked, was to be the mode of receiving such explanation? When his majesty had dismissed M. Chauvelin, as, by the melancholy catastrophe of the French monarch, the only character in which he had ever been acknowledged at the British court had entirely ceased, eight days had been allowed him for his departure, and if, during that period, he had sent any more satisfactory explanation still it would have been received. Had any disposition been testified to comply with the requisitions of lord Grenville, still an opportunity was afforded of intimating this disposition. Thus had our government pursued to the last a conciliatory system, and left every opening for accommodation, had the French been disposed to embrace it. M. Chauvelin, however, instantly quitted the country, without making any proposition. Another agent had succeeded (M. Maret), who, on his arrival in this country, had notified himself as the chargé-d'affaires on the part of the French republic, but had never, during his residence in the kingdom, afforded the smallest communication.

What was the next event which had succeeded? An embargo was laid on all the vessels and persons of his majesty's subjects who were then in France. This embargo was to be considered as not only a symptom, but as an act of hostility. It certainly had taken place without any notice being given, contrary to treaty, and against all the laws of nations. Here perhaps, it might be said, that on account of their stopping certain ships loaded with corn for France, the government of Great Britain might be under the same charge; to this point he should come presently. He believed if government were chargeable with any thing, it might rather be, that they were even too slow in asserting the honour and vindicating the rights of this country. If he thought that his majesty's ministers wanted any justification, it would be for their forbearance, and not for their promptitude, since to the last moment they had testified a disposition to receive terms of accommodation, and left open the means of explanation. Notwithstanding this violent and outrageous act, such was the disposition to peace in his majesty's ministers, that the channels of communication, even after this period, were not shut: a most singular circumstance happened, which was the arrival of intelligence from his majesty's minister at the Hague on the very day when the embargo became known here, that he had received an intimation from general Dumourier, that the general wished an interview, in order to see if it were yet possible to adjust the differences between the two countries, and to promote a general pacification. Instead of treating the embargo as an act of hostility, and forbearing from any communication, even

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after this aggression, his majesty's ministers, on the same day on which the embargo was made known to them, gave instructions to the ambassador at the Hague to enter into a communication with general Dumourier; and they did this with great satisfaction, on several accounts: first, because it might be done without committing the king's dignity; for the general of an army might, even in the very midst of war, without any recognition of his authority, open any negociation of peace. But this sort of communication was desirable also, because, if successful, it would be attended with the most immediate effects, as its tendency was, immediately to stop the progress of war, in the most practical, and perhaps, in the only practical way. No time was therefore lost in authorizing the king's minister at the Hague to proceed in the pursuit of so desirable an object, if it could be done in a safe and honourable mode, but not otherwise. But before the answer of government could reach the ambassador, or any means be adopted for carrying the object proposed into execution, war was declared, on the part of the French, against this country. If then we were to debate at all, we were to debate whether or not we were to repel those principles, which not only were inimical to this, and to every other government, but which had been followed up in acts of hostility to this country. We were to debate whether or not we were to resist an aggression which had already been commenced. He would however refer the House, not to observations of reasoning, but to the grounds which had been assigned by the assembly themselves in their declaration of war. But first, he must again revert for a moment to the embargo. He then stated, that a detention of ships, if no ground of hostility had been given, was, in the first place, contrary to the law of nations. In the second place, there was an actual treaty between the two countries, providing for this very circumstance: and this treaty (if not set aside by our breach of it, which he should come to presently) expressly said, that, "in case of a rupture, time shall be given for the removal of persons and effects."

He should now proceed to the declaration itself. It began with declaring, "That the king of England has not ceased, especially since the revolution of the 10th of August, 1792, to give proofs of his being evil-disposed towards the French nation, and of his attachment to the coalition of crowned heads." Notwithstanding the assertion that his majesty had not ceased to show his evil dispositions towards the French nation, they had not attempted to show any acts of hostility previous to the 10th of August; nor in support of the charge of his attachment to the coalition of crowned heads, had they been able to allege any fact, except his supposed accession to the treaty between the emperor of Germany and the king of Prussia. This treaty had already this evening been the subject of conversation: it had then been mentioned, which he should now repeat, that the fact, thus alleged, was false, and entirely destitute of foundation; and that no accession to any such treaty had ever taken place on the part of his majesty. And not only had he entered into no such treaty, but no step had been taken, and no engagement formed on the part of our government, to interfere in the internal affairs of France, or attempt to dictate to them any form of constitution. He declared that the whole of the interference of Great Britain had been in consequence of French aggressions, with the general view of seeing whether it was possible, either by our own exertions, or in concert with any other powers, to repress this French system of aggrandizement and aggression, with the view of seeing whether we could not re-establish the blessings of peace, whether we could not, either separately, or jointly with other powers, provide for the security of our own country, and the general security of Europe.

The next charge brought by the National Assembly was, "That, at the period aforesaid, he ordered his ambassador at Paris to withdraw, because he would not acknowledge the provisional Executive Council, created by the legislative assembly." It was hardly necessary for him to discuss a subject with which all were already so well acquainted. After the horrors of the 10th of August, which were parelleled but not eclipsed by those of the 2nd of September, and the suspension of the French monarch, to whom alone the ambassador had been sent, it certainly became proper to recall him. He could not remain to treat with any government to whom he was not accredited; and the propriety of his being recalled would appear still more evident, when it was considered that it was probable that the banditti who had seized upon the government

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would not long retain their power; and, in fact, in the course of a month, they had been obliged to yield to the interest of a different party, but of a description similar to their own. It was also to be remarked, that this circumstance of recalling the ambassador had never till now been complained of as an act of hostility. When a government was overturned, it became a fair question how long an interval should intervene till that government should be acknowledged? and especially if that change of government was accompanied with all the circumstances of tumult and distraction, it certainly became a matter of extreme hardship that a war should be the consequence to the nation which should refuse to acknowledge it in the first instance. The force of this reasoning became increased in the particular application, when it was considered, that France had not yet established any constitution of its own; that all, hitherto was merely provisional and temporary; and that, however the present republican system might be confirmed by force, or change of opinion, a little before, the voice of the nation, as far as its wish could be collected had expressed itself in favour of a monarchy.

They proceeded to state, as farther grounds of their declaration of war, "That the cabinet of St. James's has ceased, since the same period (the 10th of August), to correspond with the French ambassador at London, on pretext of the suspension of the heretofore king of the French. That, since the opening of the National Convention, it has refused to resume the usual correspondence between the two states, and to acknowledge the powers of this Convention. That it has refused to acknowledge the ambassador of the French republic, although provided with letters of credit in its name." M. Chauvelin had been received at this court as ambassador of the king, and in no other capacity or character. From the period of the suspension of the king, he, for some months, ceased to hold any communication with the government here, or to act in any capacity; nor was it till the month of December that he had received his letter of credence to act here as the ambassador of the French republic. With respect to the charge of not having acknowledged the convention, he confessed it to be true. When these letters of credence had been tendered, they were refused; but it was to be considered whether it would have been proper to have recognized them, after the repeated instances of offence, for which no compensation had been made, and of which, indeed, every fresh act presented not only a repetition, but an aggravation. Indeed, it would have been impossible at that period, without showing a deviation from principle, and a tameness of disposition, to have recognized their authority, or accepted of the person who presented himself in the character of their ambassador. At that very moment, it was to be recollected, they were embarked in the unjust and inhuman process which had terminated in the murder of their king—an event which had every where excited sentiments of the utmost horror and indignation! Would it have been becoming in our government first to have acknowledged them at such a moment, when the power they had assumed was thus cruelly and unjustly exercised against that very authority which they usurped? But, whatever might be the feelings of abhorrence and indignation which their conduct on this occasion could not fail to excite, he should by no means hold out these feelings as a ground for hostility, nor should he ever wish to propose a war of vengeance. The catastrophe of the French monarch, they ought all to feel deeply; and consistently with that impression, be led more firmly to resist those principles from which an event of so black and atrocious a nature had proceeded; principles which, if not opposed, might be expected in their progress to lead to the commission of similar crimes; but, notwithstanding government had been obliged to decline all communication which tended to acknowledge the authority of the convention, still, as he had said before, they had left open the means of accommodation; nor could that line of conduct which they had pursued, be stated as affording any ground of hostility.

He should now consider, collectively, some of the subsequent grounds which they had stated in their declaration, which were expressed in the following articles: "That the court of St. James's has attempted to impede the different purchases of corn, arms, and other commodities ordered in England, either by French citizens or the agents of the republic. That it has caused to be stopped, several boats and ships loaded with grain for France, contrary to the treaty of 1786, while ex-

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portation to other foreign countries was free. That in order still more effectually to obstruct the commercial operations of the republic in England, it obtained an act of parliament prohibiting the circulation of assignats. That in violation of the fourth article of the treaty of 1786, it obtained another act, in the month of January last, which subjects all French citizens, residing in, or coming into England, to forms the most inquisitorial, vexatious, and dangerous. That at the same time, and contrary to the first article of the peace of 1783, it granted protection and pecuniary aid not only to the emigrants, but even to the chiefs of the rebels, who have already fought against France; that it has maintained with them a daily correspondence, evidently directed against the French revolution: that it has also received the chiefs of the rebels of the French West-India colonies." All these had been stated as provocations; but what sort of provocations? What, he would ask, was a provocation?—That we had, indeed, taken measures, which, if considered by themselves, and not as connected with the situation of affairs in which they were adopted, might perhaps be considered in the light of provocations, he would allow; but if these measures were justified by the necessity of circumstances—if they were called for by a regard to our own safety and interests—they could only be viewed as temperate and moderate precautions. And in this light, these grounds, assigned in the declaration, could only be regarded as frivolous and unfounded pretences. With respect to the charge of having stopped supplies of grain and other commodities, intended for France, what could be more ridiculous than such a pretext? When there was reason to apprehend that France intended an attack upon the allies of this country, and against the country itself, upon which at the same time, it depended for the stores and ammunitions necessary for carrying on hostilities, was it natural to suppose that they should furnish, from their own bosom, supplies to be turned against themselves and their allies? Could they be such children in understanding, could they be such traiators in principle, as to furnish to their enemies the means of hostility and the instruments of offence? What was the situation of France with respect to this country? Had they not given sufficient cause for jealousy of their hostile intentions? By their decree of the 19th of November, they had declared war against all governments. They had possessed themselves of Flanders, and were there endeavouring to establish, by force, what they styled a system of freedom, while they actually menaced Holland with an invasion. Another ground which they had stated in their declaration as an act of hostility on the part of our government was, that they had not suffered assignats to be circulated in this country. Truly, they had reason to be offended that we would not receive what was worth nothing; and that, by exercising an act which came completely within our own sovereignty with respect to the circulation of any foreign paper currency, we thus avoided a gigantic system of swindling! If such, indeed, were the pretences which they brought forward as grounds for a declaration of war, it was a matter of wonder that, instead of a sheet of paper, they did not occupy a volume, and proved that their ingenuity had been exhausted before their modesty had been at all affected. Of much the same nature was that other pretext, with respect to the passing of the alien bill; a bill absolutely necessary for the safety of the country, as it shielded us from the artifice of the seditious, perhaps the dagger of the assassin. This bill they had held out as an infringement of the treaty of commerce. It could be no infringement of their treaty, as in the treaty itself it was expressly declared, that nothing was to be considered as an infringement, unless, first, proper explanations had taken place. Secondly, it was not to be expected that any treaty could supersede the propriety of adopting new measures in a new situation of affairs. Such was the case, when an inundation of foreigners had poured into this country under circumstances entirely different from those which were provided for by the bill. But who were those who complained of the severity of the regulations adopted by the alien bill in this country? The very persons who during the late transactions in their own country, had adopted restrictions of police ten times more severe, but of which our government, however much its subjects might be affected, had never made the smallest complaint.

The next ground, assigned in the declaration, was the armament which had taken place in this country. "That in the same spirit, without any provocation,

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and when all the maritime powers are at peace with England, the cabinet of St. James's has ordered a considerable naval armament, and an augmentation of the land forces. That this armament was ordered at a moment when the English minister was bitterly persecuting those who supported the principles of the French revolution in England, and was employing all possible means, both in parliament and out of it, to cover the French republic with ignominy, and to draw upon it the execration of the English nation, and of all Europe." And, under what circumstances had the armament complained of taken place? At the period when the French, by their conduct with regard to the treaty of the Scheldt, showed their intention to disregard the obligation of all treaties, when they had begun to propagate principles of universal war, and to discover views of unbounded conquest. Was it to be wondered that, at such a time, we should think it necessary to take measures of precaution, and to oppose, with determination, the progress of principles, not only of so mischievous a tendency, but which, in their immediate consequences, threatened to be so fatal to ourselves and our allies? Indeed they now seemed rather to despair of these principles being so generally adopted, and attended with such striking and immediate success as they had at first fondly imagined. How little progress these principles had made in this country they might be sufficiently convinced by that spirit, which had displayed itself, of attachment to the constitution, and those expressions of a firm determination to support it, which had appeared from every quarter. If, indeed, they mean to attack us, because we do not like French principles, then would this indeed be that sort of war which had so often been alleged and deprecated on the other side of the House—a war against opinions. If they mean to attack us because we love our constitution, then indeed it would be a war of extirpation; for not till the spirit of Englishmen was exterminated, would their attachment to the constitution be destroyed and their generous efforts be slackened in its defence.

The next articles of complaint on the part of the French were, "That the object of this armament, intended against France, was not even disguised in the English parliament. That although the provincial Executive Council of France has employed every measure for preserving peace and fraternity with the English nation, and has replied to calumnies and violation of treaties only by remonstrances founded on the principles of justice, and expressed with the dignity of free men; the English minister has persevered in his system of malevolence and hostility, continued the armaments, and sent a squadron to the Scheldt to disturb the operations of the French in Belgium. That, on the news of the execution of Louis, he carried his outrages to the French republic to such a length, as to order the ambassador of France to quit the British territory within eight days. That the king of England has manifested his attachment to the cause of that traitor, and his design of supporting it by different hostile resolutions adopted in his council, both by nominating generals of his land army, and by applying to parliament for a considerable addition of land and sea forces, and putting ships of war in commission." They clearly showed their enmity to that constitution, by taking every opportunity to separate the king of England from the nation, and by addressing the people as distinct from the government. Upon the point of their fraternity he did not wish to say much: he had no desire for their affection. To the people they offered fraternity, while they would rob them of that constitution by which they are protected, and deprive them of the numerous blessings which they enjoy under its influence. In this case, their fraternal embraces resembled those of certain animals who embrace only to destroy.

Another ground which they had assigned was the grief which had been expressed in the British court at the fate of their unhappy monarch. Of all the reasons he ever heard for making war against another country, that of the French upon this occasion was the most extraordinary: they said they would make war on us, first, because we loved our own constitution; secondly, because we detested their proceedings; and lastly, because we presumed to grieve at the death of their murdered king. Thus would they even destroy those principles of justice, and those sentiments of compassion, which led us to reprobate their crimes, and to be afflicted at their cruelties. Thus would they deprive us of that last resource of humanity—to mourn over the misfortunes and sufferings of the victims of their injustice. If such was the case,

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it might be asked. in she emphatic words of the Roman writer, *Quis gemitus Populo Romano liber erit?* They would not only endeavour to destroy our political existence, and to deprive us of the privileges which we enjoyed under our excellent constitution, but they would eradicate our feelings as men; they would make crimes of those sympathies which were excited by the distresses of our common nature; they would repress our sighs and restrain our tears. Thus, except the specific fact, which was alleged as a ground of their declaration of war, namely, the accession of his majesty to the treaty between Austria and Prussia, which had turned out to be entirely false and unfounded, or the augmentation of our armament, a measure of precaution indispensably requisite for the safety of the country, and the protection of its allies, all the others were merely unjust, unfounded, absurd, and frivolous pretexts—pretexts which never could have been brought to justify a measure of which they were not previously strongly desirous, and which showed that, instead of waiting for provocation, they only sought a pretence of aggression. The death of Louis, though it only affected the individual, was aimed against all sovereignty, and showed their determination to carry into execution that intention, which they had so often professed, of exterminating all monarchy. As a consequence of that monstrous system of inconsistency which they pursued, even while they professed their desire to maintain a good understanding with this country, the minister of the marine had written a letter to the sea-port towns, ordering them to fit out privateers: for what purpose but the projected view of making depredations on our commerce? While they affected to complain of our armament, they had passed a decree to fit out fifty sail of the line—an armament which, however, it was to be observed, existed only in the decree.

He feared that, by this long detail, he had wearied the patience of the House, and occupied more of their time than he at first intended. The pretexts, which he had been led to examine, alleged as grounds for the declaration of war, were of a nature that required no refutation. They were such as every man could see through; and in many of his remarks he doubted not he had been anticipated by that contempt with which the House would naturally regard the weak reasoning, but wicked policy, of these pretexts. He now came to his conclusion. We, said Mr. Pitt, have, in every instance, observed the strictest neutrality with respect to the French: we have pushed, to its utmost extent, the system of temperance and moderation: we have held out the means of accommodation: we have waited to the last moment for satisfactory explanation. These means of accommodation have been slighted and abused, and all along there has appeared no disposition to give any satisfactory explanation. They have now, at last, come to an actual aggression, by seizing our vessels in our very ports, without any provocation given on our part; without any preparations having been adopted but those of necessary precaution, they have declared, and are now waging war. Such is the conduct which they have pursued; such is the situation in which we stand. It now remains to be seen whether, under Providence, the efforts of a free, brave, loyal, and happy people, aided by their allies, will not be successful in checking the progress of a system, the principles of which, if not opposed, threaten the most fatal consequences to the tranquillity of this country, the security of its allies, the good order of every European government and the happiness of the whole of the human race!—Mr. Pitt then moved,

"That an humble Address be presented to his majesty, to return his majesty the thanks of this House for his most gracious Message, informing us, that the assembly, now exercising the powers of government in France, have, without previous notice, directed acts of hostility to be committed against the persons and property of his majesty's subjects, in breach of the law of nations and of the most positive stipulations of treaty; and have since, on the most groundless pretences, actually declared war against his majesty and the United Provinces: To assure his majesty that, under the circumstances of this wanton and unprovoked aggression, we most gratefully acknowledge his majesty's care and vigilance in taking the necessary steps for maintaining the honour of his crown, and vindicating the rights of his people: That his majesty may rely on the firm and effectual support of the representatives of a brave and loyal people, in the prosecution of a just and necessary war; and in endeavouring, under the blessing of Providence, to oppose an effectual barrier to the further

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progress of a system, which strikes at the security and peace of all independent nations, and is pursued in open defiance of every principle of moderation, good faith, humanity, and justice:

"That, in a cause of such general concern, it must afford us great satisfaction to learn, that his majesty has every reason to hope for the cordial co-operation of those powers, who are united with his majesty by the ties of alliance, or who feel an interest in preventing the extension of anarchy and confusion, and in contributing to the security and tranquillity of Europe.

"That we are persuaded, that whatever his majesty's faithful subjects must consider as most dear and sacred, the stability of our happy constitution, the security and honour of his majesty's crown, and the preservation of our laws, our liberty, and our religion, are all involved in the issue of the present contest; and that our zeal and exertions shall be proportioned to the importance of the conjuncture, and to the magnitude and value of the objects for which we have to contend."

Mr. *Powys* seconded the address. He thought it the duty of every man to stand forward, on the present occasion, in support of the government and constitution of the country. He promised to take upon himself the responsibility of laying burthens upon his constituents, where the cause was their protection and preservation by a just and necessary war. Had he been one of those men who saw no danger at home or abroad, he should certainly not have been so forward in granting his support to a ministry he had been accustomed to view with jealousy and distrust; but at present he thought it incumbent on him to lay those jealousies aside, and endeavour to awake the country to a sense of her wrongs and of her interests. He thought that every thing dear to us in government and society was put in peril by the principles and power of France. The conduct of France had been so atrocious to us, and to every other nation with whom she had any concern, that every principle of self-defence justified the address. He could call her nothing but a monster, whose hand was against every man, and therefore every man's hand should be against her. He considered the opinions of the French such as were incompatible with good order and civil society, and tending to spread a pestilence of the most contagious nature. He observed that gentlemen had held in that House that a war against opinions was unjust and useless. He contended that the decree of fraternity was an ample declaration of war, on the part of France, against all opinions of all mankind except their own; and he thought he should act the part of a member of the National Convention, rather than that of a representative of the British nation, if he did not use every exertion in his power to oppose them. He lamented that there should be people so perverse and unprincipled as to approve of the proceedings in France, or at least of their principles, and to recommend their adoption in this country. Endeavours had been made to wean the people from that constitution which had so long protected them, and under which they had so long flourished in peace and prosperity. Those efforts, however, the honest loyalty of Englishmen had made abortive. Every objection to the conduct of ministry, on the subject of France, he had heard without receding from his opinion, that they had acted with a proper regard to the welfare of this country. What interest could they have, in plunging this nation into an unnecessary war? Their interest was surely on the side of peace. A work lately published, by a member of the National Convention of France, pronounced, as an axiom in English politics, that the minister who declares war never sees the end of it. He hoped and believed that this assertion, at least in the present instance, would be groundless; but it showed how opinion on this ground leaned. He rejoiced much at the good opinion the country at large entertained of the present ministers, even though he should think that opinion overrated their merits. It would produce confidence, and confidence would produce strength to repel and restrain the dangerous power by which we, in common with all Europe, were now assailed. It had been asserted, that the present war was a war of kings against men; that in this country, the constitution of which is a limited monarchy, he considered the king as the key-stone of it, and that to declare war against the king was to declare war against the people. He thought it very injudicious to draw any line of distinction between the poor and the rich, by awakening their discontents and inflaming their minds, by representing to them the burthens that would be imposed

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on them by the war. He said the rich joined in bearing the burthens as well as the poor, and he would always tell this latter description, that they had a deep stake even in that property they did not immediately enjoy; and he should as readily declare, that those who had but little, had yet such a stake in the constitution of the country, and the blessings it produced, that it would be better to part with some portion of that little, than, by retaining it, risk the many other advantages they possess. It had been asked, what can we get by going to war? We shall get just what we should lose by not going to war. The same question may be asked as to a highwayman: what do we get by defending ourselves against him? We prevent him from taking our purse. Negociation had been talked of as expedient, but he, for one, could never consent to so humiliating a step, as negociating with a gang of unprincipled desperadoes. There were many who asserted that the constitution of this country had not been in danger; but he declared it to be his honest opinion that it had recently been in danger, from the combinations of bad men at home; and for his part, he less feared the arrows that fly by day, than the pestilence that walketh by night.

Mr. *Fox* said, that on an occasion so important, and not fearing the charge of pusillanimity from considering the present crisis as highly alarming, it would ill become the duty which he owed to his constituents and to the nation, to decline meeting the imputation of being the abettor of France, with which he was already menaced; or, by the bold misconstructions of his sentiments and arguments to which he had been accustomed, to be deterred from examining and stating what was the true situation in which the country was involved in war. He had never accused the hon. gentleman who seconded the address of a systematic opposition to ministers, nor of acting upon any system; but he called upon him to name those persons in the House, if any such there were, whom he meant to include under the description of supporters of the French system. The hon. gentleman knew that just so were those treated who opposed the folly and injustice of the American war. Yet, notwithstanding their being long and industriously misrepresented as the abettors of rebellion, a band of as patriotic and as honourable men as ever deserved public gratitude by public services, by some of whom he trusted he should be supported in opposing the address now moved, united their abilities to put an end to that war, and at length succeeded.

The right hon. gentleman who moved the address, had stated the origin and necessity of the war on grounds widely different from those assumed by the hon. gentleman who seconded it. The latter had said, that the power of France under every change of men and circumstances, was a monster, whose hand was against all nations, and that the hand of every nation ought to be against France: the former, that the cause of the war was not our general bad opinion of France, but specific aggressions on the part of France. So far the difference was great with respect to our immediate situation of being actually at war; and it was still greater when we came to inquire into our prospect of peace. If we were at war because France was a monster whose hand was against all nations, it must be *bellum internecinum*—a war of extermination; for nothing but unconditional submission could be adequate to the end for which the war was undertaken, and to that alone must we look for a safe or honourable peace. If, on the contrary, we were at war on account of a specific aggression, for that aggression atonement might be made, and the object being obtained, peace might be concluded. He therefore hoped, that the right hon. mover of the address was sincere in the statement he had given, although he had failed in making out the grounds on which he endeavoured to support it. Few of those, he trusted, who had been most zealous in recommending the expediency of this war, wished it to be a war of extermination—a war for extirpating French principles, not for circumscribing French power; yet all their arguments tended to alarm him. They never talked of the danger of French power without introducing as a danger more imminent, the propagation of French principles. The hon. gentleman asked, if he could be expected to make terms with a highwayman, or to take the highwayman's purse as a satisfaction for the attack upon his own? Certainly not. The hon. gentleman knew his duty to society better than to let the highwayman escape, if he had the means of bringing him to punishment. But this allusion showed, that the war with France was, in the opi-

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nion of the honourable gentleman, a war of vindictive justice. We said, that our object in going to war was not to effect a change in the internal government of France, but to weaken her power, which, in its present state, was dangerous to us, our allies, and to Europe; and, that object obtained, we were willing to make peace. But, would any man say, that when he had disarmed a highwayman, it was safe to leave him free to get other arms? No man, certainly; and no more on this principle could we, in any state of humiliation to which the power of France might be reduced, leave her at liberty to recruit that power, and to renew aggressions, to which we contended she must have the inclination, whenever she had the means. The hon. gentleman might support ministers for any reasons that to himself seemed good; either because he thought them wise or ignorant, honest or dishonest; but he had no right to accuse those who thought differently from himself, of sowing disaffection among the people, because they wished to inform the people what were the true grounds of the war, which they were called upon to support with their property and their lives. The hon. gentleman rejoiced that the public entertained a more favourable opinion of ministers, in the present crisis, than ministers deserved. Did he mean to argue, that when ministers, by their misconduct, had brought the country into danger, and the people, ignorant of their true characters, were disposed to think well of them, the House of Commons, who knew better, should endeavour to continue, instead of removing their delusion? His doctrine would then come to this—that implicit confidence in ministers, so often and so justly reprobated, was the first duty of the House; that they had nothing to watch, and ought never to inquire. Monarchy, it was truly said, was the corner-stone of our constitution, and of all the blessings we enjoyed under it; but it was not the only corner-stone; there was another fully as important—the constant jealousy and vigilance, both of the people and their representatives, with respect to all the acts of the executive power.

Mr. Fox said, he felt himself considerably disappointed at the conduct of his majesty's ministers. He had flattered himself, that when unanimity was so very desirable they would have brought down a message from his majesty, calculated to insure it: that they would not have considered a triumph over the very small number to which they boasted of having reduced their opponents, to be a matter of such consequence, as to call for an address to which they knew those few opponents could not agree, because to do so must preclude them from all subsequent inquiry. If they had moved an address, simply pledging the cordial co-operation of the House in prosecuting a just and necessary war, for the purpose of a safe and honourable peace, to such an address, whatever might have been his opinion of the previous conduct of ministers, whether he had thought it temperate and conciliatory, or arrogant and provoking, he should have agreed. But, the House was now called upon to vote, that ministers had given no cause or provocation for the war; to say, that they would enter into no investigation of the origin of the war; to give them indemnity for the past, and a promise of support for the future. This was the manifest tendency of the address; and to prevent the want of unanimity, which such an address could not but occasion, he should move an amendment, in which even the warmest advocate of the war might concur, because it expressed no disapprobation of ministers, as theirs ought to have expressed no approbation.

But, first, he must examine the alleged causes of the war. He would not enter into any of the common-place arguments on the miseries and calamities inseparable from war. He did not mean to call them common-place arguments in the bad sense of the words, for they were truths so familiar to the minds of men, that they were never listened to without assent; and, however, unnecessary it might be to enforce them by eloquence, or amplify them by declamation, their being universally admitted was sufficient to prove, that war should never be undertaken when peace could be maintained without breach of public faith, injury to national honour, or hazard of future security. The causes of war with France were in no respect different now from what they were under the government of Louis 14th or Louis 16th. What, then, were those causes? Not an insult or aggression, but a refusal of satisfaction when specifically demanded. What instance had ministers produced of such demand and of such refusal? He admitted, that the decree of November the 19th entitled this country to require an explanation: but even of

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this they could not show that any clear and specific explanation had been demanded. Security that the French would not act upon that decree was, indeed, mentioned in one of lord Grenville's letters, but what kind of security was neither specified, nor even named. The same might be said with respect to the opening of the Scheldt, and their conquest of Brabant. We complained of an attack on the rights of our ally; we remonstrated against an accession of territory, alarming to Europe; but we proposed nothing that would be admitted as satisfaction for the injury; we pointed out nothing that would remove our alarm. Lord Grenville said something about withdrawing their troops from the Austrian Netherlands; but if by that was understood, a requisition to withdraw their troops while they were at war with the emperor, without any condition that such evacuation of territory conquered from the enemy was to be the price of peace, it was such an insult as entitled them to demand satisfaction of us. The same argument applied to their conquest of Savoy from the king of Sardinia, with whom, in his opinion, they were at war as much as with the emperor. Would it be said, that it was our business only to complain, and theirs to propose satisfaction? Common sense must see that this was too much for one independent power to expect of another. By what clue could they discover what would satisfy those who did not choose to tell with what they would be satisfied? How could they judge of the too little or the too much? And was it not natural for them to suppose that complaints for which nothing was stated as adequate satisfaction, there was no disposition to withdraw? Yet on this the whole question of aggression hinged: for, that the refusal of satisfaction, and not the insult, was the justifiable cause of war, was not merely his opinion, but the opinion of all the writers on the law of nations; and how could that be said to have been refused which was never asked? He lamented, that at a time when the dearest interests of the country were at stake, the House should have felt so little concern as to deprive him of the opportunity of making the motion of which he had given notice, for want of a sufficient attendance to ballot for an election committee. By that motion he meant to press for a distinct and specific declaration of the causes of the war, and had he succeeded it would have had this good effect, that both we and the enemy should have known the grounds of contest, have been able to appreciate them, and the war might have been but of short duration. There was much in the decree by which the French declared war, which could not fairly be alleged as just cause of war. But, under the former good government of France, was it unusual to crowd into a manifesto setting forth the causes of war, every complaint that could be imagined, good, bad, and indifferent? It was, indeed, to be wished, that nothing should be introduced into such declarations but what was at once true and important; but such had not yet been the practice of statesmen, who seemed more attentive to the number than the validity of their complaints. In the year 1779, the Spanish declaration was swelled to a hundred articles; and to examine every article of the present French declaration would only show that those who now exercised the executive government, were not wiser than their predecessors.

To have suffered earl Gower to remain at Paris, after the 10th of August, would have implied no recognition of the government that succeeded that to which he had his formal mission, any more than to have negociated with that government in the most direct and safe way, in preference to one that was indirect and hazardous. But the right hon. gentleman, who could not get rid of the idea of recognition, exclaimed, "Would you recognize a government which, by its own confession, is no government; which declares itself only provisional till a government can be framed?" This he would answer was the safest of all recognitions, if a recognition it must be; for the government being only provisional, we could only be understood to recognize provisionally, and were at liberty to act as the case might require, with any other power that might arise in its stead. But, did not history show us, that to treat and to recognize were not considered as the same? Did not we treat with Philip of Spain, as king, at the very time that we were at war to dispute his succession; and was not the recognition of his title, far from being considered as admitted by us on that account, actually stipulated as an article of the peace? Did not France, when at war to dispute the accession of William 3rd, to the throne of

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England, treat with him as king, and was not the recognition of his title also made one of the conditions of peace? Still, however, he would admit, that withdrawing our minister, or not sending another, was not a just cause of war on the part of France; but could it be denied, that to treat one nation in a manner different from others was a symptom of hostility? The recalling of ministers was certainly once considered as an indication of war, for the commercial treaty provided for a case where no war was declared but by such recall.

Mr. Fox said, that none of the alleged grounds in the French declaration could be more absurd, than that the circulation of their assignats were prohibited in this country; for that was purely a measure of internal regulation, as much as it would be to prohibit the circulation of paper issued among ourselves that perhaps stood on a much surer capital. But even here we were not quite impartial; for although that paper was called worth nothing which at present brought fourteen pence halfpenny for half-a-crown, the paper created by that gigantic act of swindling, the assignats issued by the leaders of the combined armies, were not certainly worth more, but we had not thought it necessary to forbid the circulation of them; we had not prohibited the circulation of American paper even during the war, nor was it at all necessary; such paper wanted no prohibition. We had the right to prohibit it if we pleased, but he did not like assigning one reason for a thing when we evidently acted from another. The prohibiting the exportation of foreign corn to French ports, while it was free to other countries, it was said, arose from preceding circumstances: and according to these circumstances it might be a justifiable or unjustifiable act of hostility, but it was an act of hostility so severe, that the circumstances which justified it would have justified a war, and no such circumstances, as he had already proved, could be shown.

The alien bill was not a just cause of war, but it was a violation of the commercial treaty, both in the letter and the spirit. The right hon. gentleman said, that the French had made regulations in their own country by which the treaty had been already completely broken and at an end. But, did he complain of those regulations, for it was expressly provided by the treaty itself, that no violation should put an end to it, till complaint was made, and redress refused. But here lay the important difference. The French made no regulations that put aliens on a different footing from Frenchmen. They made general regulations of safety and police, as every nation had a right to do. We made regulations affecting aliens only, confessed to be more particularly intended to apply to Frenchmen. It was admitted, that the French desired an explanation of these regulations, and that an explanation was refused them. By us, therefore, and not by the French, was the commercial treaty broken.

Our sending a squadron to the Scheldt they complained of as an injury. And here the right hon. gentleman introduced the popular topic of their charming operations in Belgium; the disturbance of which they thought themselves entitled to resent as an aggression. He was as little disposed to defend their operations in Belgium as the right hon. gentleman, although he saw not for what purpose they were here alluded to, unless to inflame the passions, and mislead the judgment; but if by that squadron we had disturbed them in their operations of war against the emperor, which he admitted we had not done, they would have had just cause to complain. "Then," said the right hon. gentleman, "they complain of our conduct on the afflicting news of the murder of their king; what, shall we not grieve for the untimely fate of an innocent monarch most cruelly put to death by his own subjects? Shall we not be permitted to testify our sorrow and abhorrence on an event that outrages every principle of justice, and shocks every feeling of humanity?" Of that event he should never speak but with grief and detestation. But was the expression of our sorrow all? Was not the atrocious event made the subject of a message from his majesty to both Houses of Parliament? And now he would ask the few more candid men, who owned that they thought this event alone a sufficient cause of war, what end could be gained by farther negociation with Chauvelin, with Maret, or Dumourier? Did ministers mean to barter the blood of this ill-fated monarch for any of the points in dispute; to say, the evacuation of Brabant shall atone for so much, the evacuation of Savoy for so much more? Of this he would accuse no man;

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but, on their principle, when the crime was committed, negociation must cease. He agreed, however, with the right hon. gentleman, and he was glad to hear him say so, that this crime was no cause of war; but if it were admitted to be so it was surely not decent that the subject of war should never be even mentioned without reverting to the death of the king. When he proposed sending an ambassador to France, "What!" said the right hon. gentleman, "send an ambassador to men that are trying their king!" If we had sent an ambassador, even then; had our conduct towards the French been more candid and conciliating, the fatal issue of that trial might have been prevented. "But," said the right hon. gentleman, "we negociated unofficially." The importance to any wise purpose of this distinction between official and unofficial negociation, of this bartering instead of selling, he could never understand; but even to this mode of negociating the dismission of M. Chauvelin put an end. But M. Chauvelin, it was said, went away the very day after he received the order, although he might have stayed eight days and negociated all the while! Was it so extraordinary a thing that a man of honour, receiving such an order, should not choose to run the risk of insult by staying the full time allowed him; or could he imagine, that his ready compliance with such an order would be considered as an offence? When M. Chauvelin went away and M. Maret did not think himself authorized to negociate, ministers sent a message to lord Auckland, to negociate with general Dumourier, which reached him too late. Admitting this to be a proof of their wish to negociate, while negociation was practicable, what was their conduct from the opening of the session? If he or any of his friends proposed to negociate—"Negociate!" they exclaimed, "we are already at war." Now it appeared that they did negociate with unaccredited agents, although the secretary of state had said that such a negociation was not compatible with his belief; and, last of all (strange conduct for lovers of peace!) they ordered to quit the country the only person with whom they could negociate in their unofficial way. He was happy to see the right hon. gentleman so much ashamed of this mutilated farce of negociation, as to be glad to piece it out with lord Auckland and general Dumourier. Then was asked the miserable question, "What interest have ministers in promoting a war if, as it has been said, the ministers who begin war in this country are never allowed to conclude it?" Admitting this to be true, for which he saw no good reason, then surely they who endeavoured to avert a war, ought to be allowed some credit for the purity of their motives. But ministers never opened a fair communication on the points in dispute with France. They acted like men afraid of asking satisfaction, for fear that it should be granted—of stating the specific causes of war, lest they should lose the pretext.

An opinion somewhere stated had been adverted to, that the people might consider this as a war in which kings were more interested than their subjects. He felt great respect for monarchy, and it was neither his practice nor his inclination to speak harshly of kings. He had already said, that monarchy was the corner, or rather the key-stone of the British constitution, which was limited, not unlimited monarchy. But, with all due reverence for crowned heads, was it impossible to conceive that kings might love, not limited, but unlimited monarchy; and that resistance to the limited monarchy attempted to be established in France, in the room of the unlimited monarchy, by which that country was formerly governed, might have been the true cause of the combination of some of the crowned heads of Europe? Our king had sat too long on the throne of a free kingdom; he had had too much experience that the love of his people was a stronger defence than guards and armies, to forfeit that love, by transgressing the bounds which the constitution prescribed to him, were even his virtues and his wisdom less than they were known to be. But, had not kings the frailties of other men? Were they not liable to be ill advised? What became of that freedom of speech which was the boast of parliament, if he might not suppose, that, by evil counsellors, their ears might be poisoned, and their hearts deceived? He therefore feared, that this war would be supposed a war for restoring monarchy in France, and for supporting rather the cause of kings, than the cause of the people. He would be the last to draw a distinction of interest between the rich and the poor; for, whatever the superficial observer might think nothing was clearer, when philosophically considered, than that a man who was not

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immediately possessed of property, had as great an interest in the general protection and security of property, as he who was; and therefore he reprobated all those calls upon the particular exertions of men of property, as tending to excite the idea of an invidious distinction, which did not exist in fact.

When the attack on France was called the cause of kings, it was not a very witty, but a sufficient reply, that opposing it might be called the cause of subjects. He imputed bad motives to no man, but when actions could not be explained on one motive, he had a right to attempt to explain them on another. If there were at present such a spirit in this country as in the beginning of the American war, what would be our conduct? To join the combined powers in their war on the internal government of France. He was happy that the public abhorrence of a war on such a motive was so great, that the right hon. gentleman felt himself called upon to disclaim it at great length. But how had ministers acted? They had taken advantage of the folly of the French they had negociated without proposing specific terms, and then broken off the negociation. At home they had alarmed the people that their own constitution was in danger, and they had made use of a melancholy event, which, however it might affect us as men, did not concern us as a nation, to inflame our passions and impel us to war; and now that we were at war, they durst not avow the causes of it, nor tell us on what terms peace might have been preserved.

He rejoiced to hear that we had no treaty with the emperor. If our motives were now suspected, he hoped our future conduct would be such as to put away suspicion. If we joined the emperor and the king of Prussia, we must make common cause with them, or act always with the jealousy and suspicion of parties, either of whom might secure their own views by a separate peace at the expense of the rest. When we found ourselves drawn into this common cause, we might say that we were forced to what we did not intend; but the fact would be, that we should be wasting the blood and treasure of the people of this country for an object which the people of this country disclaimed—to enable foreign armies to frame a government for France. Such an instance would furnish more arguments against the mechanism of our constitution, than all the writers who had scrutinized its defects. He hoped we neither had, nor should have, any treaty with the combined powers, unless our objects were specifically stated—but what might be the moment of discussing these objects? The moment of danger and alarm, with the powerful engine, fear, influencing their decision. He understood, by the promise in his majesty's speech, of employing firm and temperate measures—he understood first, remonstrance on the causes of complaint, then a specific demand of satisfaction, and an armament to give efficacy to both. On his hope of the first two he had voted for the third. The right hon. gentleman said we had received insults that ought not to have been borne for twenty-four hours. These were magnificent words. In the affair of Nootka Sound the aggression by Spain was as direct and unqualified as any that could be stated, and yet we had borne it for twenty-four days. Why was not the same course pursued now? He was now called upon, as a member of that House, to support his majesty in the war, for the war was begun, and he would do it; but he was not pledged to any of those crooked reasonings on which some gentlemen grounded their support of ministers, nor less bound to watch them, because, by their misconduct, we had been forced into a war, which both the dignity and the security of Great Britain would have been better consulted in avoiding. He was never sanguine on the success of war. It might be glorious to our army and our navy, and yet ruinous to the people. The event of the last campaign—*procul absit omen*—and the example of the American war, had taught him that we might be compelled to make peace on terms less advantageous than could have been obtained without unsheathing the sword; and if this might be the consequence to us, the consequences to our ally, the Dutch, must be such as he would not suffer himself to anticipate. The ordering M. Chauvelin to depart the kingdom, and the stopping the exportation of corn to France, when exportation was allowed to other countries, were acts of hostility and provocation on our part; which did not allow us to say, as the proposed address said; that the war was an unprovoked aggression on the part of France. Truth and justice were preferable to high-sounding words, and therefore he should move an amendment, contain-

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ing nothing that was not strictly true, and in voting which the House might be unanimous.—Mr. Fox concluded with moving an amendment, by leaving out from the words "his most gracious message" to the end of the question, in order to insert these words:—"That we learn, with the utmost concern, that the assembly who now exercise the powers of government in France, have directed the commission of acts of hostility against the persons and property of his majesty's subjects, and that they have actually declared war against his majesty and the United Provinces: That we humbly beg leave to assure his majesty that his majesty's faithful Commons will exert themselves with the utmost zeal for the maintenance of the honour of his majesty's crown, and the vindication of the rights of his people; and that nothing shall be wanting on their part that can contribute to that firm and effectual support which his majesty has so much reason to expect from a brave and loyal people, in repelling every hostile attempt against this country, and in such other exertions as may be necessary to induce France to consent to such terms of pacification as may be consistent with the honour of his majesty's crown, the security of his allies, and the interest of his people," instead thereof.

Mr. Secretary *Dundas* said, that he was certainly desirous of unanimity, but he could by no means agree to purchase it at the price of adopting the amendment, which, under the appearance of affording support to the executive government, seemed totally to take away the idea of any real intentions to do so. For what, was the tendency of that amendment, and of the arguments of the right hon. gentleman? It was no other than this, that they must now fight, because war was declared by France, but that they were about to engage in a war unjust and unprovoked. Yet he seemed almost to admit, that the French had no justifiable cause for a declaration of war; for though he had made several observations on the recall of lord Gower, the Alien bill, and one or two other topics, he did not seem to consider them to be just causes of war. The right hon. gentleman, indeed, had dwelt rather longer on the subject of the ships sent to the Scheldt, but whatever on that head might have been alleged on the part of France, ministers were entitled to credit, when they solemnly asserted that that was done solely with the view to support our ally, the Dutch, whom they were bound to defend, and with no view to disturb the French in Belgium. With respect to the murder of the king, it had never been mentioned as affording a ground for war with France, though it surely afforded an illustration of the danger of French principles, and to what length they would go, if not successfully opposed. The dismission of M. Chauvelin had been adverted to and blamed, as putting a stop to negociation; but the fact was, that M. Chauvelin was not dismissed, till after he had demanded to be received and acknowledged by this Court, as accredited by the republic; and therefore it was clear, that that was not a measure whereby an end was put by us to conferences with unaccredited agents. As to the propriety or impropriety of refusing to acknowledge or receive an accredited ambassador, he would not at present say any thing. Even after an embargo had been laid on our vessels by the French, his majesty's ministers had listened to the proposal of M. Dumourier, which had been mentioned by his right hon. friend, and had sent instructions to lord Auckland, to enter into a conference with him. The chain of reasoning made use of by the right hon. gentleman in the subsequent part of his speech, appeared to him most extraordinary; for it seemed to be so managed, as to leave him an opportunity afterwards of attributing the cause of the war, to a wish to interfere in the polity of France. The right hon. gentleman, at the same time that he supposed the emperor of Germany, the king of Prussia, the empress of Russia, and the king of Spain might wish to enjoy absolute power, had paid many compliments to the king of Great Britain, and supposed it was impossible, that after the experience of so many years, his wisdom, justice, and virtue, which were prominent features in his character, could induce him to desire despotic power: at the same time he observed, that he was but a man; that he might possibly become fond of greater power, because he might be so advised by his ministers; and it was pretty broadly hinted at the same time, that his ministers had persuaded him to this war. But could ministers, Mr. Dundas asked, have any influence in producing that conduct on the part of France which was the cause of the war? By aggression, the right hon. gentleman had said, you provoke France to war, and in the progress of that war, you may

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contrive to ascribe it to a different cause from what is at present held forth. We complain of the decree of the 19th of November, and of the declaration respecting the Scheldt. The murder of the king of France is, no doubt, another ground of complaint, though we do not consider it as a cause of war. We complain also of the addresses from societies in this country being received in the manner they were by the Convention. These causes of complaint would not surely be attributed to ministers, nor would any person suppose that Barlow and Frost were sent by them to Paris. It had been urged, in explanation of the decree of the 19th of November, that France only offered her assistance and fraternity, when the whole country had agreed; in which case any assistance from them would be unnecessary; but at any rate, they reserved to themselves the power of judging when they would join an insurrection in any foreign country,—the dangerous consequences of which must be apparent. Their answer on the business of the Scheldt was, that at the end of the war, they would leave the Belgians and Dutch to settle the matter betwixt themselves. Was that a way of talking on a matter solemnly settled and guaranteed by various existing treaties? But when were they to leave the matter to be settled by the Belgians? They were to do so, they said, whenever the Belgians shall have consolidated their liberty; that is, when under the influence of the French arms, they shall have adopted a constitution on the principles of their supposed liberty; or, in other words, when they shall have, in fact, become subject to France. That explanation the French had given as their ultimatum. M. Chauvelin, prior to his dismission, had demanded to be received as accredited from the republic. He had formerly been received as the ambassador of the murdered king; he had been treated with all proper respect. Whether, after the commission of that atrocious act, he could have been allowed to remain, and be received as accredited from the republic, he would leave to the feelings of gentlemen to determine.—It had been said, that this was a war without an object, and that it was unjust and unnecessary. In answer to this, he would beg leave to refer to a paper delivered by lord Grenville to M. Chauvelin, in which, after stating certain matters which had given cause of offence to this country, a requisition is made, in the most distinct and precise terms, that France should renounce all views of aggrandizement; should confine herself within her own territories, and should desist from violating the rights of other nations. France has now made a declaration of war, and proceeded to hostilities against this country, without any offence on our part, and without previous notice. As to the supposed treaty with the emperor, which had been talked of; although he had stated, that there was no such treaty existing in January, he hoped, he should not be so far misunderstood as to lead to a supposition, that his majesty's ministers would not now endeavour to bring down every power on earth, to assist them against France. With respect to the proclamation, prohibiting the sending corn to France, it did not originate from any necessities of this country, but was a necessary measure of precaution for the purpose of crippling the French. The right hon. gentleman had observed, that his amendment was very innocent, and that every gentleman in the House might safely vote it. Mr. Dundas said it was so innocent, that it would be very pernicious, by withholding the approbation of the House, in the present crisis, to the measures of government. They were going to war, because war had been declared by France, without any provocation on the part of Great Britain, in violation of the law of nations, and contrary to the most solemn engagements of treaties. They were going to war to seeure the best interests of this country, by effectually opposing a set of principles which, unless they were crushed, would necessarily occasion the destruction of this and of every other country.

Mr. *P. C. Windham* supported the amendment. He thought there was something very mysterious in the present war, and that ministers were much to blame. They had made no allowance for the novelty of that situation in which France was placed. He declared that he should vote for the amendment, though in a minority of only five.

Mr. *Burke* began with declaring, that, in his opinion, his majesty's ministers had so clearly, so satisfactorily, and so completely justified their conduct in regard to the war, that he thought it unnecessary to add any thing in vindication of that measure. So much, however, had been thrown out, in the course of the speech of the right hon. gentleman

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touching the acknowledged policy and fundamental principles of that House, that, notwithstanding the lateness of the hour, and his own want of strength, he had to request the attention of the House. It must have occurred to a gentleman possessing such clear, perceptive powers, as the right hon. gentleman who moved the amendment, that an attempt to reconcile discordant parts, and connect contradictory opinions, served only to confound them. The right hon. gentleman had, on a former occasion, lamented the smallness of his party, and it now seemed as if that party endeavoured to make amends for the smallness of their numbers by the discordancy of their voices. He imagined some of them would find it difficult to account for their conduct in opposing the measures of ministers on the present critical occasion. In their censures on France gentlemen had shown a great deal of dexterity; but it certainly had too much the appearance of stratagem. The right hon. gentleman had complained bitterly of the misrepresentation of his expressions in that House. To him it appeared very extraordinary how a person of talents, so clear, so powerful, and so perspicuous, could possibly be misunderstood—how a person who took so much pains by repetition, and going over the same grounds again and again, to bring his superior powers to the low level of the vulgar eye, could possibly be subject to misrepresentation—how a gentleman, whose friends out of doors neglected no human art to display his talents to their utmost advantage, and to detail his speeches to the public in such a manner, that he, though a close observer of the right hon. gentleman, had never been able to recollect a single idea of his that had escaped the industrious attention of his friends, while those of a right hon. friend of his (Mr. Windham), whose abilities were equal to his virtues, were so mangled and so confused, in the reports that were made of them, as to be utterly unintelligible to the public. That the right hon. gentleman should be misrepresented or misunderstood, under such circumstances, was hard indeed. The right hon. gentleman had said, that he hoped he was not reputed an advocate for France. To this he would say, that if the cause of France was an honest cause, it was justice to this country, and to mankind, to undertake her defence. The true skill of an advocate was, to put forward the strong part of his client's case, and gloss over or hide the weak; to exhibit all its right in the brightest point of view, and palliate the wrong; when he could no longer palliate, to contrive that the punishment should be as slight as possible, or to bring his writ of error, and by every quirk evade it as well as he could; and no man possessed that power in a greater degree than the right hon. gentleman. To his speeches he always attended with admiration and respect. That which he had just heard he could not help estimating less highly, seeing that he had read every part of it in Brissot's speeches in the National Convention, one part only excepted, and that was the part in which the right hon. gentleman had asserted, "that France had used every means to conciliate the regards and good will of Great Britain."

The right hon. gentleman had taken great pains to acquit himself, and apologise for his vehement endeavours to exculpate France from the charge of aggression. He professed that he was almost at a loss to see what it was that made him so prompt to exculpation. If France meant nothing but what was right, and England nothing but what was wrong, he certainly owed no apology for the part he had taken in her cause. But to take the right hon. gentleman's speech in a serious view, it insinuated that the charge of the French was, that the king of Great Britain had determined on war against the sense of his ministers, against the sense of the parliament, and against the sense of the people, in order to augment his own power. If this was the case, ministers had betrayed their country by their acquiescence, and it was the duty of the House to address the king to remove them, and put into their places those whom they thought more fit for advice, more fit to do the duty of a minister, and more likely to possess the confidence of the nation, if such there were.—The right hon. gentleman had contended, that when ministers brought the nation into a war, they should declare how they intended to prosecute it, to what length they intended to carry it, and what the object of it was. For his part, he had never heard or read of any such principle, or of any such practice. The first question he conceived to be, was, whether there was just cause or foundation for the war? The second, how it should

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be carried on to the greatest effect? He said, that in no instance whatever had any power, at the commencement of a war, declared what period was intended to end it, what means to carry it on, or what the object of it was. It was contrary to the policy of this and every other country; it was never heard of. In this, and in every case of the kind, the common object of the alliance should be pursued to gain the grand end. War had been declared by the French; but they had not declared that they did not intend the ruin, the destruction, and total subversion of this country and every establishment in it. Was it pretended that they had done, in declaring war, that which gentlemen had prescribed as the duty of this country? No; they declared war with the professed intention to bring it, in the most formidable shape, attended with insurrection and anarchy, into the bowels of this country, to strike at the head of the stadtholder, and to put no limits to their views in the war; while gentlemen would have Britain cramped and tied by a premature declaration of her object.

As to the sentiments of the right hon. gentleman respecting the declaration of a specific object of the war, as well as the delicacy of interfering in the internal government of France, were they adopted by the House, this should be their language—"France! you have endeavoured to destroy the repose of all the countries of Europe, and particularly of England: you have reduced your own country to anarchy and ruin, and murdered your king; nevertheless, you may be assured, that, however horrible your crimes, though to the murder of your king you should add that of his infant son, his unfortunate queen and sister, and the whole remains of his family, not one hair of your heads shall be hurt. You may war against us, threaten us with destruction, and bring ruin to our very doors; yet shall you not be injured." Was ever, he exclaimed, such a declaration made in such circumstances? Much pains had been taken by the right hon. gentleman to make light of the power of France, and to persuade the House that there was nothing to be feared from it. He would answer this by showing what the right hon. gentleman had said on a former occasion. Here Mr. Burke began to read a part of a speech spoken by Mr. Fox on the commercial treaty, strongly demonstrative of the necessity of keeping down the overgrown power of France—[The Speaker called Mr. Burke to order; it being disorderly to read any debate on a former occasion. Mr. Burke said he would beg leave to read from a pamphlet in his hand. The House called Read! read! Here he read from a speech of Mr. Fox, that the effect of all our wars had been carried on with a view to repress the power of France, and to support all the other powers of Europe against her; that France only changed her means, but that her ends were ever the same.—The Speaker again interrupted Mr. Burke, and requested that he would abstain from reading, as he knew it was against the orders of the House.] Mr. Burke said, he could not but lament that the rules of the House sometimes weakened the force of argument; but he considered order to be so far more necessary than argument, that he would willingly forego the latter to maintain the former. To return, therefore, to his argument, without the conclusive aid he should derive from tha right hon. gentleman's own language, in the book in his hand, he contended, that the whole body of policy of this country for ages was, that whatever country was the enemy of France was naturally the ally of Great Britain. If that opinion was founded in true policy before the revolution, what reason was there to alter that opinion since? If the new republic has shown no disposition to increase her dominions, if she has not annexed Savoy, Avignon, Liege, Nice, &c., to her territorial possessions, if she has not declared war against all subsisting governments, and confiscated the properties of all corporations, if she has not held out the mask of confraternity as a signal and temptation to rebellion in all countries, but particularly in England, then statesmen have a right to change their opinions and systems of policy with respect to her.

Unlimited monarchy, the right hon. gentleman had said, was the object against which France directed the shafts of her enmity. But he would be glad to know whether gentlemen would pretend to say that she was a friend to limited monarchy. No; she was an enemy to limited monarchy, as monarchy, and to the limitation, as limitation. The aristocracy of this country, all corporations, all bodies, whether civil or ecclesiastic, were the objects of her

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enmity. She showed the most determinate malice, in the most express terms, against all parts of the British government, equally to those that limit as those that would extend monarchy; not to this or to that, but to the whole. If conquered by Louis 16th, we might be sure of our established forms being unmolested; but if by republican France, of total extinction. Gentlemen had, with much pertinacity, asked, "Have you demanded satisfaction for this?" This, he contended, was all an error, either of misconception or of will. The acts of France were acts of hostility to this country; her whole system, every speech, every decree, every act, bespoke an intention preclusive of accommodation. No man, he would venture to say, had a more lively sense of the importance of the question before the House, or of the evils of war, than himself. A war with France, under such circumstances as now governed her conduct, must be terrible, but peace much more so. A nation that had abandoned all its valuable distinctions, arts, sciences, religion, law order, every thing but the sword, was most formidable and dreadful to all nations composed of citizens who only used soldiers as a defence; as such, France should be resisted with spirit and temper, without fear or scruple. In a case of such importance to this country and to mankind, as the present was, gentlemen should examine whether they had any sinister motive, as if in the Divine presence, and act upon the pure result of such examination. He declared he had no hesitation to pronounce, as if before that presence, that ministers had not precipitated the nation into a war, but were brought into it by over-ruling necessity. I possess, said he, as deep a sense of the severe inflictions of war as any man can possibly do—

"Trembling I touch it, but with honest zeal."

I always held it as one of the last of evils, and wish only to adopt it now from the conviction that at no distant period we shall be obliged to encounter it at much greater disadvantage. For four years past it has grieved me to the soul, it has almost reduced me to death, when I observed how things were going on, and felt my utmost exertions unable to produce upon the government of the country, or in the public mind, a conviction of the danger that approached them. At length the infatuation was removed—ministers awoke to the peril that menaced them ere it was too late; and our enemies, finding those arts fail in which they so much confided, are reduced to attack us in open war, and have declared against us. He should therefore give ministers his clear, steady, uniform, unequivocal support; not as some gentlemen did, pretend support on one day, to lessen their authority, impair their power, and obstruct their plans on another, but in the fullest manner he could. If any blame was to be laid to the share of ministers, it was that of too long delay; but if from that delay any accident should arise from want of timely precaution, he would acquit them of it; knowing, as he did, that it was not possible for them, with prudence, to do otherwise; for had they done it at an earlier period they would not have been supported. In his opposition to the views and proceedings of France, for two years, he was convinced he had not the feelings of the nation: nor was it till full-blown mischief had alarmed the people and roused the king, that the government could have a proper support. For his part, he thought himself bound in honour to support ministers; and, if bound to support them, certainly to oppose those who acted adversely to them. From such men—men who could neither vindicate the principles nor deny the power of France, yet impeded the measures taken to secure us against that power—he differed fundamentally and essentially, in every principle of morals, in every principle of manners, in sentiment, in disposition, and in taste.

France, he said, had for some time been guilty of a continued series of hostile acts against this country, both external and internal: first, she directed her pursuits to universal empire, under the name of fraternity, in order to overturn the fabric of our laws and government; next, she invented a new law of nations, subsidiary to that intention: then she acted on that law. Next, she had directed the principal operations of that law to Great Britain; and lastly, she had established a horrible tyranny within herself, chased every honest person out of her territory, held out temptations the most seductive to the enlightened lower orders of all countries, and furnished instruments for the overthrow of their government. The putting the king of France to death was done, not as an example to France, not to extinguish the race, not to put an end to monarchy, but as a terror to monarchs, and particularly to the

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monarch of Great Britain. This newly-created empire of theirs, Mr. Burke said, was only secondary to the accomplishment of their plans for the overthrow of all governments. This had been professed out of the mouth of their minister Cambon. He had declared, that the limits of their empire should be those that nature had set, not those of justice and reason; that was to say, the sea on one side, and the Alps and the Rhine on the other, together with a large cut of the Appenines—and all for the benefit of mankind, of liberty and equality! Should we be deterred by our wealth from resisting these outrages? They directed their invectives and reproaches more at England than any other country. They executed their unhappy, innocent monarch, whom they well knew to be no tyrant, principally, as they alleged, by way of warning to all other tyrants, and an example to all other nations. Even a few hours after the execution of Louis 16th, their minister of justice, Garat, addressing the Convention, said, "We have now thrown down the gauntlet to all tyrants—which gauntlet is the head of a tyrant." Mr. Burke next read the declaration of the members who voted for the death of the king, some saying, "the tree of liberty could not flourish till sprinkled with the blood of tyrants;" others declaring, "that king's were no longer useful but in their deaths," &c.

Some gentlemen had asserted, that if lord Gower had been left at Paris, or another ambassador had been sent in his place, the unhappy fate of the king of France might have been prevented. This, he said, was answered by the fate of the king of Spain's ambassador, who had made, at the desire of his court, a requisition, but was refused. The murder of the king was intended only as a step to the murder of the other kings of Europe; for they had declared, that no monarchical country could have alliance with them: this, too, at the very moment that they were affecting to conciliate and explain away the decree of the 19th of November. War to the palace, and peace to the cottage, was the plan of their new system: wherever their power extended, they put the poor to judge upon the life and property of the rich; they formed a corps of desertion, a corps of assassination, and gave a pension to the wife and children of the assassin that was put to death for attempting to murder the king of Prussia. They declared all treaties with despots void; they were outlaws of humanity, an uncommunicable people, who acknowledged no God but the sacred right of insurrection, no law but the sovereignty of the people; nor had they any judges but *sans culottes*, whom they made arbiters of the lives and properties of all. As to the rights of the poor, he hoped he understood them as well as the right hon. gentleman; the riches of the rich were held in trust for the poor; this the common people little understood, nor could they be made to understand it, if people held out false communications to corrupt them. Here he read a part of a letter from Dumourier, general of the bare-breeched corps, to Anacharsis Cloots, orator of the naked posteriors. In this letter, after describing the blessings of atheism, and that which he called liberty, he says, "these are the sweets of philosophy! What pity it is that bayonets and cannon are the necessary means of propagating it!" Atheism, Mr. Burke said, was the center from which ray emanated their mischiefs and villainies, and they proceeded to establish it with the sword.

He readily allowed that this was the most dangerous war we were ever engaged in; that we had to contend with a set of men now enured to warfare, and led on by enthusiasm and the ardour of conquest to such a degree, that they bartered the arts, commerce, industry, manufactures, and civilization itself, for the sword. The alliances we had it in our power to form gave us, however, a good prospect of subduing them; whereas, were they allowed to proceed, we might singly and in the end become their easy prey. He then recited a variety of instances in which the French manifested the most envious and malignant disposition towards this country, and left no effort untried to do it every possible mischief. He read from the Moniteur an account of the meeting of the English friends of the people in Paris; their address to the National Convention; with their fraternal reception, and their toasts after dinner. Of the latter, one was, the health of citizens Fox, Mackintosh, Sheridan, Paine, Barlow, and the other friends of liberty who have enlightened the people of England.—Should we be deterred by our wealth from resisting these outrages? What! exclaimed Mr. Burke, shall we live in a temporary, abject state of timid ease, to fatten ourselves like swine to be killed to-morrow, and to be-

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come the easier prey to our enemies? No; God forbid! If we have the spirit that has ever distinguished Britons, that very wealth will be our strength—with it we shall be more than a match for their blind fury. With regard to the means the French have of carrying on the war, the plan of supply they had proposed was worthy of attention. Their minister stated that the country had been purged of 70,000 men of property, all whose effects were to be confiscated, to the amount of 200 million sterling. Thus, like a band of robbers in a cave, they were reckoning the strength of their plunder. He said that they had two terms for raising supplies — confiscation and loan. The common people were relieved by confiscation of the property of the rich; and they reckoned on the confiscation of property in every country they entered, with the brotherly intent of fraternizing, as a sufficient supply for their exigencies in that country, and their resource for making war; thus they made war supply them with plunder, and plunder with the means of war.—The right hon. gentleman had spoken with some asperity of an intention in ministers to restore the ancient government. He would not compare that government with the government of Great Britain; but certain it was, that it would be felicity and comfort, compared to the present state of tyranny exercised in France; for the very same papers out of which he had read the preceding extracts, contained the melancholy account that thirty thousand manufacturers were perishing for want in Lyons alone. Thus their enormities had produced misery; their misery would drive them to despair; and out of that despair they would look for a remedy in the destruction of all other countries, and particularly that of Great Britain.

Mr. *Sheridan* began with saying, that in one circumstance alone in the present debate, he felt himself actuated by feelings and motives similar to those professed by the right hon. member. The right hon. gentleman had declared that he did not speak to support the minister, for his case had been so perfectly made out by himself that it needed no support; but that he rose solely to repel the insinuations and charges of his right hon. friend; so he could sincerely declare that he had no thoughts of attempting to give additional weight to the arguments by which his right hon. friend had refuted those of the minister. He was provoked to rise solely by the insinuations and charges of the last speaker against his right hon. friend. Never had he before indulged himself in such a latitude of ungoverned bitterness and spleen, towards the man he still occasionally professed so much to respect. His ridicule of the smallness of the number of friends, left to the object of his persecution, ill became him of all mankind; but he trusted, that however small that number was, there ever would be found among them, men not afraid upon such a subject to oppose truth and temper, to passion and declamation, however eloquently urged, or however clamorously applauded. They were styled by the right hon. gentleman a phalanx, and he styled the amendment of his right hon. friend a stratagem to keep this phalanx together, who had been otherwise, it seems, endeavouring to make up for the smallness of their numbers by the contrariety of their opinions; an odd description of a phalanx; no, he would never have given them that appellation, if he had not known the contrary of this to be the truth. He knew well their title to the character he had given them, and that a phalanx, whatever its extent, must consist of a united band, acting in a body, animated by one soul, and pursuing its object with identity of spirit, and unity of effort. His right hon. friend's purpose then, in this amendment, must have been, as he had stated it himself, to reconcile those differences of opinion in other quarters to which he had expressly alluded, and not those which existed no where but in the imagination of the man who he believed had at least exhausted all power of splitting or dividing farther. But what suggested to him that it must be a stratagem of his right hon. friend's? Was he a man prone to stratagems? At any other time he would trust to his candour even for an answer; for if ever there was a man who disdained stratagems by nature, who knew how to distinguish between craft and wisdom, between crookedness and policy, who loved the straight path, and sometimes even without looking to the end, because it was straight, it was the very person whom he now arraigns for craft and trick.

The next object of his sarcasm was, his right hon. friend's complaining of being so often misrepresented—"Pity," says the right hon. member, "that a gentleman who expresses himself so clearly, and who repeats so much, should be so liable to be

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misapprehended." A pity, certainly, but not much to be wondered at, when misapprehension was wilful, and misrepresentation useful. The right hon. member had only mistaken his own facility in perverting, for his antagonist's difficulty in explaining. But another grievance was, that, however misunderstood in that House, these same speeches were detailed with great distinctness and care in the public prints, while those of an hon. friend near him (Mr. Windham) were, as he declared, perfectly mangled and misrepresented. There was no stratagem to be sure in this insinuation; but was there much candour in it? Did any one living know better than he who made the insinuation, that nothing could exceed the carelessness of his right hon. friend to the representation of his speeches out of doors? he believed he had never seen, touched, revised, or printed, a single line he had spoken in parliament in his life, or caused it to be done for him. If either friends or judicious editors were the more attentive to the task, he thought they did credit to themselves, and an important service to the public at large: Not less candid was it to insinuate a purposed misrepresentation of another member's (Mr. Windham) speeches. He claimed as long and as intimate a friendship with that gentleman as the right hon. member who appeared so tremblingly alive for his fame; he thought equally highly of him in many respects,; but he must in the frankness of friendship take the liberty of saying, that though no man had more information to ground argument upon, more wit to adorn that argument, or logic to support it; yet that the faculty, which had been rather sneered at in his right hon. friend, namely that of rendering himself perfectly perspicuous and intelligible to every capacity, was not the distinguishing characteristic of that gentleman's eloquence. He was apt sometimes to spin a little too fine, and therefore it was possible, without any corrupt partiality on the part of the reporters of the debates, that his right hon. friend's speeches might be given with a superior degree of perspicuity.

He now proceeded to discuss Mr. Burke's other attacks on Mr. Fox. He was charged with a dereliction of principle in having that day omitted to express his apprehension of the increase of French power, be the French government what it may; certainly, Mr. Fox had not said one word upon that subject in his speech that day, but had he not in every one of his various previous speeches in this session distinctly and most forcibly avowed and urged his sentiments on that head? How pleasant to observe a gentleman, who begins his speech with taunting his right hon. friend for repeating things too often, reproach him in the next sentence for avoiding a repetition the most unnecessary he could have fallen into! But if the reproach was on that ground extraordinary, it was still more extraordinary that the general observation itself should come from the quarter from which it proceeded. A dread of France, it seemed, ought to be a fundamental principle in the mind of a British statesman; no alteration in her government can change this principle, or ought to suspend this apprehension. And who was the gentleman so tenacious of this creed? The only man in all England who had held the directly contrary doctrine. Had he or could we have forgotten that in his very first contemptuous revilings at their revolution, only in the last session of parliament, he had expressly scorned and insulted them as a nation extinguished for ever, and to be feared no more, and all in consequence of the change in their government: that he described the country as a gap and chasm in Europe. Their principles had done more, said he, than a thousand fields like Blenheim or Ramilies could have effected against them; had they even got power by their crimes, like the usurpation of Cromwell, he could have respected or feared them at least, but they were blotted out of the European map of power for ever! And the historian had only to record "Gallos olim bello floruisse"—yet this very gentleman, said Mr. Sheridan, having last year expressed all this with as much heat as he had this year expressed the contrary sentiment, arraigns my right hon. friend for having omitted to re-echo for a single hour his unalterable apprehensions of the power of France, be the changes of its government what they may. It was still more curious to observe the manner of attempting to charge this circumstance on his right hon. friend. A book was produced, and he was proceeding to read a former speech of his right hon. friend, as if he had ever once retracted his opinion on this subject. When the Speaker called him to order, the right hon. gentleman did not seem to take the interruption kindly, though certainly he ought to have been grateful for it; for never, sure, was man, who had a greater

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interest in discouraging the practice of contrasting the past and present speeches, principles, and professions of any public man. Was the right hon. gentleman ready to invite such a discussion respecting himself? If he were, and his consistency could be matter of regular question in that House, he did not scruple to assert that there was scarcely an *iota* of his new principles to which there was not a recorded contradiction in his former professions. Let a set of his works be produced, one member might read, paragraph by paragraph, his present doctrines, and another should refute every syllable of them out of the preceding ones: it was a consolation to those who differed from his new principles to know where to resort for the best antidote to them.

His next accusation against the mover of the amendment was, that he should have put the question on so mean an issue, as whether the actual hostile overt-acts committed by France, had been sufficiently explained and disowned to this country. This, it seemed, was contemptible, it was a war against the principles of the French government we were to engage in, and not on account of their petty aggressions against us; and therefore it followed, that it was to be a war to exterminate either them or their principles. The doctrine he thought both wild and detestable; but admitting that it was right, the right hon. gentleman must yet extend his scorn and his rebuke to the minister, as well as to Mr. Fox, for though they differed in their conclusion, they had discussed the grounds of the war precisely on the same principle and footing. The right hon. gentleman differed equally from both, or more rather from the minister, with respect to the professed motives and objects of the war, than from those who opposed the war. In this view he thought it most unmanly and unwarranted in the minister to sit still and listen to these inflammatory rants, and even to cheer the war song of this right hon. gentleman,

——quo non præstantior ullus,
Ære ciere viros, Martemque accendere cantu.

when at the same moment he knew, and had even just declared, that the war was undertaken upon principles, and for purposes diametrically opposite to those upon which he suffered the House to be heated and misled by a spirit of vengeance and quixotism, which it was his duty to oppose and restrain. With the same persevering purpose of inflaming and misleading, the right hon. gentleman had read so much from the cruel and unjust proceedings against the late unfortunate monarch, and from various other French publications. This habit of picking out all the hot, wrong-headed, and disgusting things, said or written by individuals in France, would never be so constantly resorted to for a fair purpose. The compilation on this principle, avowed by the treasury, and so often quoted by the right hon. member, was an unworthy expedient, particularly as it had been done at a time when we still professed our hope and desire of peace. What, if a conduct like this had been pursued in France? If, when the Convention came to deliberate on war and peace, and to decide on the provocations alleged to have been given by our government, pamphlets had been given to the members at the door of the Convention, containing extracts from all the various speeches of that right hon. gentleman since the first revolution—containing, in appearance, every thing that the scorn of pride, the frenzy of passion, and the bitterness of malice could have urged against them, from the very outset; and assuming the applause of his hearers to be the will of the government, and to speak the voice of the people? If to these had been added every furious and indecent paragraph that had appeared in our publications, and especially in prints connected with administration, what would have been our opinion of such a proceeding at such a time? And what our indignation, if we learned that this had not been a work hatched in the dens and caverns of savage murderers and foes to peace, but that it had been produced under the direction of the Executive Council itself, and at the very moment that they were professing their desire of avoiding hostilities with us, and of promoting a good understanding? The right hon. member would have been among the first to have quoted such a conduct in them as a new proof of mean hypocrisy and determined malice. The address and toasts of an idle dinner of English and others, at White's in Paris, was the next subject of the right hon. member's alarm and invective. And to aggravate the horror of this meeting, the House was assured, that at it were drank the healths of Mr. Fox and Mr. Sheridan. The insinuation

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was scarcely worth noticing, nor should he have adverted to it, but just to show how well entitled the right hon. gentleman was to the credit he claimed for the accuracy of his facts and information. This ancedote wanted only one little ingredient to produce possibly some effect, namely, fact. The truth was, that neither his nor Mr. Fox's health were drank at that meeting; and it was a little unlucky that the right hon. gentleman, who ransacked every corner of every French paper for any thing that would make for his purpose, should have overlooked a formal contradiction of such toasts having been given, inserted by authority in the *Patriote François;* and it was the more unlucky, as the purpose of bringing forward this important anecdote, was evidently to insinuate that they were in Paris at least considered as republicans; while the actual reason given for not drinking their healths was, that, though friends to the reform of abuses, they were considered as expressly against all idea of revolution in England, and known to be attached to the form of the existing constitution.

The next specimen of the right hon. member's extreme nicety with respect to facts, was the manner in which he proved the enormous ambition of France, by the Convention's having adopted a proposition of the minister of justice (Danton), that the future boundaries should be the Rhine, the Alps, the Pyrenees, and the Ocean; and great stress was laid upon this proposal having been made by a person of such rank in the state. Now for the fact. Danton was not the minister of justice, and the proposition was not adopted by the Convention. The right hon. gentleman might have recollected, that if Danton had been minister of justice, he could not have been a member of the Convention: and he ought also to have known, that the proposition, so far from having been adopted, was scarcely attended to. But the ambition of France, and her aggressions against this country, were not, according to the right hon. member, the only causes of war. Religion demanded that we should avenge her cause. Atheism was avowed and professed in France. As an argument to the feelings and passions of men, Mr. Sheridan said, that the right hon. member had great advantages in dwelling on this topic; because it was a subject upon which those who disliked every thing that had the air of cant and profession on the one hand, or of indifference on the other, found it awkward to meddle with. Establishments, tests, and matters of that nature, were proper objects of political discussion in that House; but not general charges of deism or atheism, as pressed to their consideration by the right hon. gentleman; thus far he would say, and it was an opinion he had never changed or concealed, that although no man can command his conviction, he had ever considered a deliberate disposition to make proselytes in infidelity as an unaccountable depravity of heart. Whoever attempted to pluck the belief or the prejudice on this subject, style it which he would, from the bosom of one man, woman, or child, committed a brutal outrage, the motive for which he had never been able to trace or conceive. But on what ground was all this infidelity and atheism to be laid to the account of the revolution? The philosophers had corrupted and perverted the minds of the people; but when did the precepts or perversions of philosophy ever begin their effect on the root of the tree, and afterwards rise to the towering branches? Were the common and ignorant people ever the first disciples of philosophy, and did they make proselytes of the higher and more enlightened orders? He contended that the general atheism of France was, in the first place, no honour to the exertions of the higher orders of the clergy against the philosophers—and, in the next place, that it was notorious that all the men and women of rank and fashion in France, including possibly all the present emigrant nobility, whose piety the right hon. gentleman seemed to contrast with republican infidelity, were the genuine and zealous followers of Voltaire and Rousseau: and if the lower orders had been afterwards perverted, it was by their precept and example. The atheism, therefore, of the new system, as opposed to the piety of the old, was one of the weakest arguments he had yet heard in favour of this mad political and religious crusade.

Mr. Sheridan now adverted to Mr. Burke's regret that we had not already formed an alliance with the Emperor, and to Mr. Dundas's declaration, that he hoped that we should ally with every power in Europe against the French; this appeared to him to contradict Mr. Pitt's declaration, and it was the most unpleasant intelligence that he had heard that

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day. If we made such alliances, our principles and our purposes would soon become the same; we took the field against the excesses and licentiousness of liberty; they against liberty itself. The effect of a real co-operation would be a more fatal revolution than even prejudice could paint that of France—a revolution in the political morals of England, and, in consequence, the downfall of that freedom which was the true foundation of the power, the prosperity, and the glory of the British nation. Sooner than entwine ourselves in such alliances, and pledge the treasure and blood of the country to such purposes, he had almost said he had rather see England fight France single-handed. He feared the enemy less than our allies. He disliked the cause of war, but abhorred the company we were to fight in still more. He had a claim to call on the right hon. gentleman to join him in these principles. Who were these allies, and what had been their conduct? Had he (Mr. Burke) forgot his character of the Polish revolution? "That glorious event had bettered the condition of every man there, from the prince to the peasant; it had rescued millions, not from political slavery, but from actual chains and even personal bondage." Who had marred this lovely prospect, and massacred the fairest offspring of virtue, truth, and valour? Who had hypocritically first approved the revolution and its purposes, and had now marched troops to stifle the groans of those who dared even to murmur at its destruction? These allies, these chosen associates and bosom counsellors in the future efforts of this deluded nation. Could the right hon. gentleman palliate these things? No. But had he ever arraigned them? Why had he never come to brandish in that House a Russian dagger, red in the heart's blood of the free constitution of Poland? No, not a word, not a sigh, not an ejaculation for the destruction of all he had held up to the world as a model for reverence and imitation! In his heart is a record of brass for every error and excess of liberty, but on his tongue is a sponge to blot out the foulest crimes and blackest treacheries of despotism.—It was a mean and narrow way of viewing the subject to ascribe the various outrages in France to any other cause than this unalterable truth, that a despotic government degrades and depraves human nature, and renders its subjects, on the first recovery of their rights, unfit for the exercise of them. But was the inference to be, that those who had been long slaves ought therefore to remain so for ever, because, in the first wildness and strangeness of liberty, they would probably dash their broken chains almost to the present injury of themselves, and of all those who were near them? No. The lesson ought to be a tenfold horror of the despotism, which had so profaned and changed the nature of social men, and a more jealous apprehension of withholding rights and liberty from our fellow creatures, because, in so doing, we risked and became responsible for the bitter consequences: for, after all, no precautions of fraud or of craft, can suppress or alter this eternal truth, that liberty is the birthright of man, and whatever opposes his possession is a sacrilegious usurpation. Mr. Sheridan concluded with adverting to the evident intention of the minister, to render unanimity impossible, but said he should never retract his former declaration; that the war once entered into, he should look to nothing but the defence of the country and its interests, and therefore give it a sincere and steady support.

Mr. *Ryder* begged to remind the House, that they were now actually at war; that it did not lie with them to argue about it, for they were forced into it. The question was simply, whether they should support his majesty in his honourable intention of maintaining the dignity of his crown and the interests of the empire. The declared purpose of the amendment was to procure unanimity. Certainly unanimity was a desirable thing; but he did not covet much the sort of unanimity which the amendment was calculated to produce. He wanted an unanimous expression of firmness in opposing the French, not a tame unanimity which promised no essential support. The nation was unanimous: more perfect assent was never given to any war: the atrocious event in France had awakened the feelings and united the hearts of all the English people: that event, however it was to be deplored, might be said to have been so far beneficial, as it had thus aroused the genuine feelings of Englishmen, and had opened their eyes to the enormity of French principles.

Mr. *T. Grenville* said, that the address should not only promise his majesty support, but to reprobate the unprovoked

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aggression of France; for no reasonable man could read the papers before the House, and presume to tell the country that proper satisfaction had been given for that aggression. The decree of the 19th of November was justly called a decree of universal hostility; so far from explanation or satisfaction being given in it, there was a subsequent decree to execute it, with a disgusting menace, giving only fifteen days to adopt the plan laid out for them by the French, under penalty of being treated as enemies. As to the Scheldt, they had taken upon them to settle it upon the rights of nature, contrary to the rights of treaties, and insolently put off the question on it until the consolidation of French liberty in Belgium, a period entirely dependent on their own pleasure.

The amendment was negatived, and the address agreed to without a division.

Debate in the Lords on the King's Message respecting the Declaration of War with France.] Feb. 12. The order of the day being read for taking his Majesty's Message into consideration,

Lord *Grenville* rose. He began by observing, that when he last addressed the House on the subject of the misunderstanding between this country and France the motion which he made on that occasion was honoured, not indeed with the unanimous support of their lordships, but with a concurrence so very nearly approaching to unanimity, that it could not possibly be the result of any thing but a thorough conviction of the necessity of farther armaments, and of actual war. The conduct of their lordships on that occasion he must consider as an auspicious omen of the support which he might expect that night; for he was fully persuaded that every noble lord who voted for the last address was thoroughly convinced, that war was at that moment unavoidable, and at no distant period. The event had sufficiently proved that the conviction was but too well founded. Their lordships would recollect the state in which the negociation with M. Chauvelin was when it broke off: he had delivered a paper, purporting to contain explanations calculated to remove the jealousies of this country and avert a war; but it concluded with a declaration, that in case these explanations should not prove satisfactory, France would then prepare for war. This was a menace which sufficiently showed that peace was not the object of France; for she must have known that England would never bend to threats, and that therefore to hold them out was the most effectual way not to conciliate or maintain a good understanding, but to provoke a war. His majesty, in the whole course of the negociation, had demonstrated, that the continuance of peace was the object nearest his heart, and that nothing but dire necessity would make him resort to war. It was this pacific disposition which had induced the king to authorize his ministers to treat with M. Chauvelin even in an unofficial way, that no means of preserving peace might be lost. In obedience to his majesty's commands, a negociation was opened in which his ministers desired to wave for a time the question of recognising the new French government or its ministers: they wanted not to make this a preliminary to negociation, but a measure to which a friendly intercourse might ultimately lead, if France should manifest, in the course of unofficial communications, a pacific disposition. Had France been really disposed to peace, she would have adopted this mode of treating, or at least she would have declared, that it would not become her dignity to treat in such a manner; but instead of concurring with his majesty in the measure which he had recommended for the sake of peace, or of stating any objection on the score of dignity, she pressed forward the question of recognition, and desired that her minister might be immediately received as ambassador from the republic. Such a proceeding could not have been dictated by the spirit of peace, and might well be considered as a preliminary to war; the object of it could be mistaken only by a shallow statesman; there was little doubt but that it was to sound the disposition of England towards her allies, to try whether she was firmly determined to support them, and whether the people of this country were ready to stand by his majesty in a war against France. If such was her object, it was evident she had been out in her calculations; for she had discovered that the people of England were not to be separated from their king, and that they were at all times ready to arm, when summoned by the sacred obligation of treaties, and a regard to the honour and character of their country. When his majesty's ministers refused to make the recognition of the French re-

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public a preliminary to negociation, the Executive Council of France adopted a measure which, of itself, might be considered as a complete rupture of all negociation, and tantamount to a declaration of war; for an order was immediately issued, contrary to the law of nations and to the faith of treaties, for stopping all the British ships in the ports of France. Here his majesty might have considered his dignity so far attacked as to justify a determination on his part not to listen to any offer of negociation, short of an apology and reparation, for so outrageous an act; but his love for peace still prevailed, and would not suffer him to renounce any chance for the continuance of it. To this end it was that lord Auckland, the English ambassador at the Hague, having dispatched advice home that general Dumourier, commander in chief of the French armies in the Netherlands, had sent to him to propose a personal conference with him at a certain time and place, for the purpose of resuming the negociation, and trying to avert the calamity of a war, his majesty resolved to give his ambassador leave to attend the conference. From this step on the part of France, and the king's readiness to cooperate in the happy work of restoring peace to Europe, it might well have been expected that the period of a general pacification was at no great distance. But how would their lordships be astonished when they should hear, that, on the very day fixed for the conference between lord Auckland and general Dumourier, the National Convention actually declared war against England and Holland? This step was a clear manifestation of the hostile disposition of France, and of her determination at all events to break with us, and to attack the Dutch. This step could not possibly leave a doubt in any man's mind which of the two, England or France, was the aggressor.

Were he to rest the motion which he intended to make, on what he had already advanced, he was convinced that their lordships would agree with him in declaring, that the war was unprovoked on our part; that it was on groundless pretences that France was entering into it; and that those pretences were urged for the purpose of concealing from Europe, as far as she was able, the system of aggrandizement which she was endeavouring to establish. But in a case of such magnitude as the present he was willing to meet every thing that had been advanced by the National Convention as ground of the war; and he trusted he should make it appear, that the pretences which they brought forward were in some instances false, in others either frivolous or absurd. That he might speak with greater accuracy, he would read those different grounds from the account published by the Convention. This account consisted of three parts: first, the report made by M. Brissot; second, the speech made by another member, which the Convention ordered to be printed; third, the decree, containing the enumeration of the acts by which England was said to have provoked the war, and the declaration of hostilities. He said, he had too much respect for their lordships to read the infamous libel which Brissot's speech contained upon the king of Great Britain, a sovereign who was so beloved by his people, and who invariably considered his own happiness as inseparable from that of his subjects. The enumeration of the grounds on which the decree for the declaration of war was founded, contained some, which in point of date, were long anterior to the negociation with M. Chauvelin, and of which that minister had never once complained. This he would make appear in the course of his observations upon the decree, which began as follows: "The National Convention, after having heard the report of their committee of general defence, on the conduct of the English government: considering that the king of England has persisted, especially since the revolution of the 10th of August 1792, to give proofs of his being evil-disposed towards the French nation, and of his attachment to the coalition of crowned heads:"—It was very remarkable, that this was the first time that it was stated by France, that England had in the smallest degree departed, before the date of the present armaments, from the strict line of neutrality, which the king had resolved to pursue with respect to the affairs of France; with what a bad grace the Convention brought such a charge, would appear from this striking circumstance, that the very first paper which M. Chauvelin delivered to his majesty's minister on his arrival in this country contained the grateful acknowledgments of the French government for the strict neutrality which the king had observed in the war between France and the other powers then at war with her. If any departure had taken place

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from that neutrality, why had not she complained of it? But no complaint was made; and therefore it might be fairly concluded, that she had none to make. Her making it at present served only to expose her to the reproach of having advanced what could not be supported, because it was not true.

The next charge was, "That at the period aforesaid, he ordered his ambassador at Paris to withdraw, because he would not acknowledge the Provisional Executive Council, created by the legislative assembly:" In answer to this, lord Grenville said, he must touch upon points which could not but revive the remembrance of transactions, which it would be for the honour of humanity to bury, if possible, in eternal oblivion. Their lordships would recollect that on the 10th of August a scene of massacre had taken place, which had filled the mind of almost every man in Europe with horror: this massacre had been regularly planned, and executed with circumstances the most shocking. It was true, that this massacre was followed by another on the 2nd of September, which left the horrors of the former so far behind, that when compared with each other one appeared completely lost in the enormity of the other. But before the 2nd of September, the revolution of the 10th of August must be, and was, considered as one of the most horrid transactions that had ever disgraced the annals of mankind The murders and butchery of that day threw into the hands of the perpetrators the power of France. They boasted in the face of the world, of the share which they had had in the dreadful tragedy, and stated it as the ground of their claim to public favour. Was it with such men, that his majesty's ambassador was to treat? Would it have become the character of Great Britain, to give her sanction to a measure, which could not fail to excite the general execration of all Europe? Would it have become her to make her minister treat one day with the king of France, and the very next day with those who had dethroned him, and by means of acts which must fill the mind of every man with horror? On such an occasion, he was ordered to do what was best suited to the dignified and humane character of England, he was ordered to quit France and return home. His lordship did not mean to say that, because a country had changed its government, other nations had a right to interfere in its concerns; but this he meant to maintain, that every surrounding nation had a right to expect the establishment of such a government, as would give security to the people at home, and tranquillity to neighbouring states: and that until such government was established, they were not bound to enter upon the question of recognition, but had a right to wait to see the effects of any institution, which might be set up for the moment, by those who for the time possessed the power of the country. Our ambassador could not have been suffered to remain in Paris after the event of the 10th of August, without recognizing the new government, a measure which would on many accounts have been highly indecent, and which on one ground would have been extremely impolitic, as it could not have taken place without a hasty and premature decision on the question of recognition. It would, he was sure, be conceded to him, that as a faction might for a time procure power, so a foreign nation was not bound to recognize the government set up by such faction, until it should appear to have had the sanction of the people at large. This principle applied to the situation of France at and before the 10th of August would decide the question, and show that our ambassador ought not to have been authorized immediately to recognize the new government. It was well known that the Constituent Assembly had, with the almost unanimous concurrence of the nation, established a limited monarchy in France. A republican party was known to exist in the kingdom; but it was comparatively small, and served only to show by their feeble opposition at the outset, that the great bulk of the nation was for a limited monarchy. This party, however, gaining ground in the second assembly, began to entertain hopes of overturning the monarchy, and establishing a republic on its ruins. For this purpose, the persons who composed it began to form plans for dethroning the king; but no sooner had their designs got wind, than addresses were sent up from all the departments declaring their determination to maintain the constitution with a limited monarch at its head, and oppose at the hazard of their lives and fortunes, the establishment of a republic. The Legislative Assembly, following the impulse of the general sense of their constituents, devoted to execra-

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tion every person who should attempt to alter the constitution, or pull down kingly government. The republican party however prevailed in less than three weeks after this; the horrid schemes of revolution which were carried into execution on the 10th of August were planned by the party and the Legislative Assembly being surrounded by a military force, and under the daggers of murderers and conspirators, forced to rescind its own decree, to abolish the constitution which each of its members and the whole nation had sworn to maintain, and by suspending the king, to establish a republic on the ruins of monarchy. Had his majesty's ambassador been ordered to acknowledge the new order of things at that moment, into what an awkward situation might he not have been thrown! Had the departments done what, from their unanimous addresses, might have been expected, had they marched their troops to Paris to release their captive king, to chastise an impudent faction, and restore a constitution which only three weeks before appeared to be an object of veneration to the whole kingdom, in what a pitiful light must our ambassador have appeared, one day recognizing the king, the next, recognizing the conspirators who had dethroned him; and immediately after going with the departments to salute him again upon the throne. The only way to avoid so scandalous a scene was, to recall the ambassador, by doing which, his majesty's ministers prudently gave themselves time to consider, what was the sense of the people of France, and what would be the government of their adoption. The recall of lord Gower was a measure of prudence and wisdom on our part, and by no means a symptom of a disposition in England to point out what government it was her wish to see established in that country: and therefore, he was warranted in saying, that this was not a rational ground for a declaration of war on the part of France.

The next charge brought against England by the National Convention was, "That the cabinet of St. James's has ceased, since the same period, to correspond with the French ambassador at London, on pretext of the suspension of the heretofore king of the French; that since the opening of the National Convention, it has refused to assume the usual correspondence between the two states, and to acknowledge the powers of this convention; that it has refused to acknowledge the ambassador of the French republic, although provided with letters of credit in his name." The answer to the former charge, would, in a great measure, serve also for this. England had a right to see what degree of stability the new government was likely to acquire, before she could deem it proper or safe to recognize it. But it was not true that all correspondence had ceased between the two countries; for his majesty, to show his sincere disposition to peace, had directed his ministers to treat in an unofficial way with M. Chauvelin, by which mode of proceeding the question of recognition would not be prejudiced, and yet all the good effects that could arise from the most regular correspondence would be produced.—The next charge was, "That it has endeavoured to impede the different purchases of corn, arms, and other commodities ordered in England, either by French citizens or the agents of the republic; that it has caused to be stopped several boats and ships loaded with grain for France, contrary to the treaty of 1786, while exportation to foreign countries was free." This charge, he admitted, was founded in truth; but it contained no fair or rational ground for war. In the first place, the crown was allowed to possess the prerogative, time out of mind, of prohibiting the exportation of arms and military stores; this prerogative was strengthened by an act of parliament, which the king felt it his duty to enforce, under existing circumstances. It had been doubted whether naval stores came within the powers of the prerogative, or of the act of parliament to which he alluded; but to remove the doubt, the legislature had thought proper, during the present session, to pass an act, empowering the king to prohibit the exportation of naval as well as military stores. The charge, therefore, as far as this went, did not affect the executive government, but parliament itself, whose conduct it was not necessary for him to justify to itself.—With respect to the stopping of corn, he allowed it to have been an act of the executive government, and in every point of view strictly justifiable. In the first place, England had a right to judge what quantity of corn could be spared from her own consumption; in the exercise of that right she had prohibited generally the exportation of English corn; and this she might do without rendering

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an account to any one. He admitted, however, that the prohibition had another object, and extended also to foreign grain intended for France. From the conduct of that country, it was evident, for some time past, that she was meditating a rupture with us, and was making preparations for that purpose. With a full conviction that such was her design, it would have been madness in his majesty's ministers to allow her to lay in stores of corn for supplying her fleets and armies, which they knew very well were soon to be employed against Great Britain. It was on this view of the case that he, for one, had advised the measure of prohibiting the exportation of English corn, or of foreign corn in English bottoms to France; he avowed the measure, and was perfectly satisfied that all Europe would find its vindication in the law of nations.—Before he dismissed this part of the subject, he begged leave to observe, that the prohibition, as far as it related to foreign corn, did not prevent the exportation of it to France in foreign bottoms; for that was allowed; and though a foreign vessel carrying foreign grain from England to France had been stopped, it was only through mistake, and was afterwards suffered to proceed on her voyage. The exact state of the prohibition was, that English corn was not allowed to be exported to France in any bottoms; nor foreign corn in English bottoms.

The next charge was of a truly ridiculous nature. It was this: "That in order still more effectually to obstruct the commercial operations of the republic in England, it obtained an act of parliament prohibiting the circulation of assignats." This was, no doubt, a dreadful crime on the part of England, who ought to be punished with the calamity of a war, for having endeavoured to prevent her own truly valuable paper currency from being polluted, by coming in contact with the bankrupt paper of France; and the latter had unquestionably good grounds for complaining, that after she had forced her assignats at the point of the bayonet down the throats of her own people, she should meet with resistance when she was endeavouring, by force of arms, to cram them down elsewhere, and compel a currency to which they were not intrinsically entitled. This measure of stopping the circulation of assignats, was to be ascribed not to the executive government of this country, but to parliament, who had, in the present session, passed an act for this purpose.—The next charge was, "That in violation of the fourth article of the treaty in 1786, it obtained another act, in the month of January last, which subjects all French citizens, residing in, or coming into England, to forms the most inquisitorial, vexatious, and dangerous." On this he would observe, that it ill became France to complain of regulations adopted here for our own safety, and state them as infractions of that treaty, which, if such regulations could be fairly deemed infractions, had been broken every day in France for the last four years; and he could appeal to a noble earl (Lauderdale) whether it was not true, that the English in France were obliged to procure passports, and to exhibit them, not as the French in England were bound to do, to magistrates, but to every officer and soldier of the regular army, of the national guards, or of the national gendarmerie, who should think proper to demand them; he could appeal also to the same noble lord, whether the English were not liable to visits from persons sent to look for arms, and whether they were not obliged to give an account of their business, and of the places to which they were travelling. These were matters of notoriety, and complaints had been made to him by English travellers, who had applied for his interference for redress. But he reflected, that the French might have thought such regulations necessary for the security of their new government, and therefore he did not think it proper to interpose, or complain of them as infractions of the commercial treaty. That the regulations adopted in England might be dangerous, he was ready to allow; but then it could be only to such Frenchmen as had come into this country for the purpose of exciting discontents and sedition; to all persons of a different description, they were perfectly harmless.

The next charge was, "That at the same time, and contrary to the 1st article of the peace of 1783, it granted protection, and pecuniary aid, not only to the emigrants, but even to the chiefs of the rebels, who have already fought against France; that it has maintained with them a daily correspondence, evidently directed against the French revolution; that it has also received the chiefs of the rebels of the French West-India colonies." He wished that this charge had not been worded in such general terms, but that

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it had specified any particular act, of which France had truly reason to complain. As it stood at present, the only part of it that was really intelligible, was that which related to the humanity with which a number of unfortunate men, flying from the daggers of murderers, had found an asylum in England, and some relief from their distresses. So far was he from denying this fact, that he considered it as the highest glory to his countrymen, who had felt for the wants of the distressed, and had expressed their sympathy by noble and generous benefactions.—He could not dismiss this charge, without observing that it was with a bad grace indeed, that France complained of our receiving their emigrants; for it was not to be forgotten that they had received Dutch emigrants, formed them into a corps, called them the "Batavian Legion," and posted them on the frontiers of Holland, with a view to encourage a revolution party in that country. From this it would appear as if France enjoyed an exclusive privilege of doing without guilt, what, if done by another nation, would draw upon it French vengeance, and French arms.—The next charge was, "That in the same spirit, without any provocation on the part of France, and when all the powers are at peace with England, the cabinet of St. James's has ordered a considerable naval armament, and an augmentation of the land forces: that this armament was ordered at a moment when the English minister was bitterly persecuting those who supported the principles of the French revolution in England, and was employing all possible means, both in parliament and out of it, to cover the French republic with ignominy, and to draw upon it the execration of the English nation, and of all Europe; that the object of this armament, intended against France, was not even disguised in the English parliament." The answer was, that the armament had not taken place in England, until France had put to sea a considerable squadron, which appeared in the Mediterranean; till she had occupied with her armies the Austrian Netherlands; till she had violated the rights of his majesty's allies, and absolutely refused to give any satisfactory explanation of her conduct. It was a very curious charge indeed "that the armament was ordered at a moment when the English minister was bitterly persecuting those who supported the principles of the French revolution." Now it had so happened that none were prosecuted, for persecuted was out of the question, but those who were endeavouring to excite sedition; if, therefore, this charge were true, it must follow that the principles of the French revolution are to excite sedition. The English minister was certainly not entitled to the honour of drawing upon the French republic the execration of the English nation and of all Europe; that task was performed by the republic itself or its Convention, by its unexampled acts of cruelty, oppression or injustice; by the mockery of the trial of the king, and the insult offered to justice, when the assembly was imputing to that unfortunate prince the massacre of the 10th of August, whilst its members were daily boasting that the glory of that bloody scene belonged exclusively to themselves. It was true, that the object of the armament was not disguised in England; on the contrary, it was avowed to be for the purpose of fulfilling our engagements with our allies, and raising a barrier against the aggrandizement of France.—The next charge was, "That although the provisional Executive Council of France has employed every measure for preserving peace and fraternity with the English nation, and has replied to calumnies and violation of treaties, only by remonstrances founded on the principles of justice, and expressed with the dignity of freemen, the English minister has persevered in his system of malevolence and hostility, continued the armaments, and sent a squadron to the Scheldt, to disturb the operations of the French in Belgium." The answer to this charge was, that the king's ministers had continued and extended the armaments, not from any wish for war, but for the purpose of guarding against the ambitious views of France, which she obstinately refused to abandon. No doubt it would be thought by all Europe that it was a heinous crime in England to have sent a squadron to the Scheldt, for the officious purpose of disturbing the operations of the French in the Netherlands, who ought not to have been interrupted in their career of aggrandizement. Every one must be convinced, that the conquest of those provinces was their object; but that they never could expect to retain them, whilst Holland continued to be a distinct and independent state; the con-

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quest of Holland was therefore a necessary part of their plan; it was of course extremely unkind in commodore Murray, with his squadron, to defeat it!

The next charge brought to the recollection of the House an event which every man must equally lament and execrate. The charge was, "That, on the news of the execution of Louis, he carried his outrages to the French republic to such a length, as to order the ambassador of France to quit the British territory within eight days; that the king of England has manifested his attachment to the cause of that traitor, and his design of supporting it by different hostile resolutions adopted in his council, both by nominating generals of his land army, and by applying to parliament for a considerable addition of land and sea forces, and putting ships of war in commission." It was his wish not to have touched upon the dreadful murder of the king, because he meant not to interest the feelings of their lordships, but to address himself solely to their understandings; but it being brought forward, he must say something upon it. It was an act which had consummated the guilt of the Convention, and left all its other acts of cruelty in the back ground. Europe had heard of it with horror; and at such a moment to have received M. Chauvelin as a minister from a body so branded with infamy, and which, at the same time, instead of giving satisfactory explanations on points in which England had a right to demand it, absolutely presumed to hold out menaces, would have been an instance of pusillanimity which no situation of affairs could justify. M. Chauvelin applying at that time to be recognised as a minister from the republic, reminded him of what had passed after the dreadful massacre of St. Bartholomew. The French ambassador in England was admitted to an audience of queen Elizabeth; passing through the apartments leading to the presence chamber, he found them all hung with black; the courtiers and the queen were in deep mourning, and in the coldness and gloom of the reception, he saw how much the dreadful massacre was execrated. Had M. Chauvelin been admitted as minister to an audience of our king, after the murder of his own, he must have found the sovereign and his court in mourning; but this would not have been all; he must have passed through the streets of a city where almost every one wore the garb of sorrow, and execrated the shocking deed which had given them occasion to put it on: no one could tell to what excesses their indignation might prompt them, on seeing the minister of the murderers of their king; his person might not have been safe, and in it the sacred laws of nations might have been violated: to send him away was, therefore, the wiser mode of proceeding. If putting on mourning, and feeling sorrow for the murder of the king, was an act that called for a war, it would not be against the king of England and his courtiers that the French would have to wage it, but against almost every man in England, and indeed all Europe.—It had been said on a former day, by a noble marquis (Lansdown), that the murder of the king might have been prevented: and the means which he thought might have been used with success for that purpose, were bribery and corruption. This could not have been meant as a panegyric on the National Convention; for it would be no compliment to men to say, that though deaf to justice, humanity, and the honour of their country, they would listen to the tempting offers of gold. For his part, he did not think that money would have produced the desired effect; the cause of the murder lay too deep for avarice to reach it; it was the effect of foul ambition, the more horrible, as it was the more unnatural. It was true, that after the murder of the king, the armaments were increased; not on account of that melancholy event, but of a variety of other acts done by France, which evidently showed that it was her determination to go to war with England and Holland. The non-residence of an ambassador at a court, was not in itself a ground for war: there were countries which, from etiquette or some punctilio, were not in the habit of interchanging ambassadors. This was the case with the courts of Sweden and Portugal, which had not for many years, till the very last year, interchanged public ministers. There were other instances, as at Constantinople, where several courts kept resident ambassadors, though the Porte kept no resident ministers with them. And yet those different nations were in perfect amity with each other, and never thought of war on such an account. This applied as well to the case of M. Chauvelin, who had not been recognized, as of lord Gower, who had been recalled.

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The last charge was as follows: "That his secret coalition with the enemies of France, and particularly with the emperor and Prussia, is confirmed by a treaty concluded with the first in the month of January; that he has drawn into the same coalition the stadtholder of Holland; that that prince, whose servile obsequiousness to the orders of the courts of St. James's and Berlin is but too well known, has in the course of the French revolution, and notwithstanding the neutrality which he professed, treated with disdain the agents of France, received the emigrants, harassed the French patriots, counteracted their operations, released, in opposition to established usage, and notwithstanding the demand of the French minister, persons who had been guilty of forging assignats; that in the mean time, with a view to concur in the hostile designs of the court of London, he gave orders for a naval armament, named an admiral, appointed Dutch ships to join the English fleet, opened a loan to defray the expenses of the war, put a stop to exportations to France, while he favoured sending supplies of provision to the Prussian and Austrian magazines.—Considering, in fine, that all these circumstances no longer leave to the French republic any hope of obtaining, by means of amicable negociation, the redress of these grievances, and that all the acts of the British court, and of the stadtholder of the United Provinces, are acts of hostility, equivalent to a declaration of war, the National Convention decrees as follows:—Article 1. The National Convention declares in the name of the French nation, that, considering the multiplied acts of hostility and aggression of the above-mentioned powers; the French nation is at war with the king of England and the stadtholder of the United Provinces."—With respect to the assertion of coalition with Austria and Prussia, and of a treaty with the former for the purpose of giving effect to what was called the concert of princes, his answer was, in four short words,—It is not true. No such treaty or coalition had been formed: but on the other hand, it was very natural, that when his majesty saw that war was inevitable, he should confer with those powers who had a common cause with him, for the purpose of concerting operations for setting bounds to the ambition and principles of France.

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Such were the charges brought against England, as the grounds of the war; and one might have imagined that the Convention would have rested satisfied with having jumbled such a heap of them together; but it seemed there was one measure more adopted, and that was, that an address to the people of England should be drawn up and published. He was very anxious to see the production that would be given to the world under the name of this address. His curiosity was raised on tip-toe for its appearance, on account of the names and persons who had been chosen for drawing it up. One was certainly a gentleman of great abilities, M. Condorcet, but not extremely remarkable for consistency, for when, on a former day, one noble lord quoted that gentleman's writings, to show that he wished to raise disturbances in England, and overturn its government as tyrannical, another noble lord had read a private letter from M. Condorcet to show that he considered the English government as perfectly free. It was a pity that this gentleman did not reserve his republican principles for his private correspondence with the noble lord, upon whom they could have no bad effect, and publish in his newspaper his eulogium on the English constitution, which unfortunately he confined to his private correspondence with his friends. Another person employed to frame this address was Barrere, a person who was president of the Convention during the whole time of the king's trial. The successor of Bradshaw was, no doubt, a very proper person to reconcile the people of England to the abolition of monarchy, and the murder of kings. The last person was perhaps the most remarkable of the three. It was odd that out of 750 members of the Convention, the man who was thought most fit to disgust the people of England with their constitution, was he who was tried and convicted of having libelled it, and whose name was held in execration by the whole kingdom—such a man was Thomas Paine. The Convention, in publishing an address to the English nation, were but little acquainted with the disposition of the people of England, whom nothing could bind more closely to their king and parliament, than an attempt by France to separate and disunite them. The principles inculcated by the Convention were injurious to every society; they inculcated, that in-

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surrection on the part of the people was not only a right, but a sacred duty; the consequence was, that if the principles were adopted, there would be an end of the stability of all governments, and consequently there would be an end to the peace and order of society. Nothing could equal the wickedness of the principles of the French revolution, but their complete disregard of them, whenever their interest required that they should abandon them. Thus, though they asserted, that sovereign power necessarily resided in every people, the Convention had annulled the elections of representatives made by the people of the Netherlands, ordered them to proceed to new elections, directed that the French troops should be called out at the time, no doubt for the purpose of securing the freedom of voting, and lastly, that in case of any contested return, the French commander in chief should finally decide the question. Such were the principles that the French were absurd enough to think they could get the people of England to adopt. As to the war in which we were now engaged, when he looked at the means of both countries to carry it on, he could not help looking forward with the most sanguine hopes of success. The noble lord concluded with moving an address similar to that moved this day by Mr. Pitt, in the House of Commons. [See p. 360.]

The Duke of *Portland* gave his most cordial assent to the address moved by the noble secretary; for the question was not about the probability of war, or about the means of avoiding it, but whether we should stand upon our own defence: for the French had declared war. The part which we had to act was unavoidable, and he had no hesitation in saying, that he should give his firm support to a war, the object of which was, to resist doctrines that, in his opinion, went to the overthrow, not merely of all legitimate government, of the security of nations, of peace and order, but even of religion itself, and of every thing for which society was instituted. He pledged himself, therefore, to the support of the war into which we were plunged; declaring, at the same time, that he should not consider this as tending to prevent him from inquiring scrupulously into the conduct of ministers in the way in which they should carry it on. As to what might be the power of the enemy, it was not, he thought, a question upon which they could now deliberate. If they were in the very zenith of their power, and attempted by the same means to propagate the same doctrines, he would be ready to incur all the dangers of the war; for he thought that we never were engaged in a war, upon the issue of which the very existence of the government of this country was so much at stake.

Earl *Stanhope* said, it was too true that never was this country placed in so imminent a situation. It was, indeed, a most important question upon which they were now to decide; it was no less than whether that House was ready to pledge itself to the support of a war begun by our ministers, and in which we were the aggressors. It was trifling with the understanding of the nation to refine upon the ceremonies and the etiquette that had been so much indulged in this affair. What was the fact? By the second article of the treaty of 1786, it was expressly declared, that, in case of any subject of misunderstanding arising between the two nations, the sending away the ambassador of one of them should be deemed a rupture. A misunderstanding had taken place, upon which the two nations had corresponded, and M. Chauvelin was ordered away in the most ignominious manner. Here, then, was the rupture. He could not, therefore, in his conscience, say, that this was a groundless and unprovoked aggression by France, for he considered it to be a war brought upon us by our own ministers. They had begun it they had taken the very course prescribed by an existing treaty to begin it; and if it was desired that the nation should act with becoming vigour upon the emergency, it was fit they should be told the truth; it was impossible to disguise the fact from Europe, or from posterity. He knew that he should be unpopular during the present phrenzy, by thus declaring his opinion; but though he would have been ready to stand the last hazard in a war, where real and essential injuries had been sustained, he could not, as an honest man, agree to sanction a war where we were the direct and sole aggressors. He charged his noble relation with not being correct in his facts. The legislature had not established the republic; it had been done by the Convention; and surely, if any assembly could ever be supposed to speak the sense of a whole people, it was the present Convention of France; for every man within the territories had a right

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to choose his representative. However noble lords might object to this mode of election, they certainly could not say that an assembly so elected did not speak the sense of the people. The noble lord said, that in going into this war, it seemed to be a principle not to compare our own strength against that of the enemy. We were to be plunged into it headlong, and yet the strength of the French was not an object to be despised. What were their resources? They had declared, what all the world felt to be the case, in every country, that the crown lands were the property of the nation. They have declared what most men conceive, and what, said the noble lord, I conceive is the case here and every where, that the church lands are in truth the property of the nation. I conceive it, my lords, for the simplest of all reasons; they differ from every other species of property; they are not of the nature or essence of property; they are a mere salary, and if a nation chooses, they may withdraw that salary as a nation may withdraw its appointments from any person or body which it chooses to do without. This was not all: they had done what America did in the case of the loyalists, and what we did in 1715 and 1745; they had confiscated the estates of the emigrants. They had by this means got possession of the property of 29,000 persons; it amounted to no less a sum than 192,000,000*l.* sterling, upon all which sum, the annual rents of which they are now in the receipt of, they might borrow money. A statement had been laid before the Convention, by which it appeared, that after all the expenses already incurred, and after all the expenses of 1793, they would still have of property in their hands, ready to be converted into the actual sinews of war, 152,000,000*l.* sterling,—finances such as neither this country, nor all the countries of Europe put together, could equal. Such is the ability of the enemy that we despise.—He said, he was sure that the war might have been avoided; he was sure that it might even yet be avoided; and in this sentiment he deprecated the folly, the injustice, the insanity, of rashly declaring that the war was an aggression on the part of France, when it was indisputably the act of our own ministers. He would move an amendment, that would put truth into the address, and by the moving of which, he should at least discharge his own duty to his king and country. He concluded by moving, to leave out all the words of the motion made by the noble secretary, after the words "That an humble address be presented to his majesty," and to substitute the following: "That, by directing the French ambassador to leave this kingdom, his majesty's ministers have (independently of repeated provocations) produced a rupture between this kingdom and France, inasmuch as, by the second article of the treaty of navigation and commerce, made in the year 1786, between Great Britain and France, it is expressly declared, that the sending away from either nation the ambassador of the other nation, shall be deemed a rupture between the two countries; and humbly to represent to his majesty, that, before this House can encourage his majesty to concur in measures for carrying on a war against France, this House humbly requests to be informed of the objects which his majesty proposes to obtain thereby."

Lord *Stormont* complimented the noble duke who had seconded the address, and declared, that if any thing could have raised him still higher in his opinion, it was the manly avowal of those sentiments which had just now taken place. The House was nearly approaching the much-wished-for point of unanimity; and, indeed, how could it be otherwise? A choice of situation was no longer left to us. France by the first act of aggression and hostility, had forced this country into a war. Were we to make a spirited and an early resistance, such as became a great nation, or tamely to expose our bosoms naked and defenceless to the sword which stood unsheathed to pierce us to the heart? Such a conduct would sink us from the happy and exalted station in which we now were placed, to the lowest level of French anarchy and disorder. The intentions of the French towards us had been sufficiently clear. They aimed at nothing less than the overthrow of the government. This was evident from their wish of establishing a national convention among us. Would any man affirm, that we were tamely to submit to this? If so, we sought peace even at the price of our destruction. We supplicated it on bended knees—

Oremus pacem, et dextras tendamus inermes.

A national convention, if at any time convened, annihilated the existing legislature. But France, surely, in her present enfeebled and degraded condition, would never be able to accomplish that, to which the whole power of Louis 14th

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was incompetent. The distresses of that country were already immeasurable. One of them had said, that to prevent a scarcity of other provisions, they should live two days in the week on rice and potatoes. The noble earl had considered our dismission of their ambassador as an act of hostility, expressly so declared by the treaty of commerce. But was an ambassador not to be dismissed, even if he violated the law of nations, from the observance of which alone he was entitled to protection? Such circumstances might occur as would render such a step necessary and unavoidable; as in the case of count Gyllenburgh, ambassador from Sweden, in the reign of George 1st, whose papers were seized, and whose person was imprisoned. But France had committed the first act of hostility by the seizure of our vessels. This was a violation of the 19th article of the treaty of Utrecht, which was confirmed by the last treaty of Versailles. What was our offence, complained of by France? That we had afforded protection to the refugees, a race of men driven to our hospitable shores by the adverse blasts of fortune. Were our bosoms to be steeled against every principle of compassion and were we not to be permitted to mitigate those sorrows which we could not effectually remove? The feeling was natural, and the impression irresistible—

Sunt lachrymæ rerum, et mentem mortalia tangunt.

His lordship concluded by deprecating the progress of French principles. They were mischievous in the extreme, and therefore perfectly congenial to men who were the blasphemers of their God, and the murderers of their king. A combination of powers, exerting themselves to crush France, had been censured as an act of impolicy and injustice. But for his part, he should think himself justified in exciting every corner of Europe, in order to suppress that pestilential contagion of opinions, which would otherwise rage to the destruction of mankind. Nay, should we not be able to arrest their progress, rather than fall victims to so dreadful a calamity, he would pray, that an earthquake, or some other convulsion of nature, would bury these islands in the bosom of the deep, while the morals of the country remained pure, and its honour unsullied.

The Earl of *Lauderdale*.—So much has been said respecting unanimity on the important subject of this night's debate, that I feel some difficulty in the manner of my address to the House. There is not one of your lordships who more ardently wishes for unanimity than myself, in every question that may respect the welfare of the country, the dignity of the crown, or the honour of your lordships. It is always unpleasant, and peculiarly so upon this occasion, to differ from the majority of this House, and what is of infinitely greater consequence, to differ, perhaps, from the majority of the people of England. If the public opinion was under no improper influence; if the minds of men had not been agitated by groundless fears; if the most designing arts had not been employed to warp their judgment; if the most interested and despicable characters had not too well succeeded in their impostures, I should feel myself perfectly safe in appealing to this or the most public tribunal, upon the necessity or policy of the war into which we are about to be plunged. But is there a man in Great Britain ignorant that the most wicked arts have been practised, to irritate and mislead the multitude? Have not hand-bills, wretched songs, infamous pamphlets, false and defamatory paragraphs in newspapers, been circulated with the greatest assiduity, all tending to rouse the indignation of this country against France, with whom it has been long determined, I fear, to go to war? To such low artifices are these mercenaries reduced, that they have both the folly and audacity to proclaim, that the New River water has been poisoned with arsenic by French emissaries. My lords, these tricks cannot long succeed. The jugglers are suspected, and the public will soon unveil their impostures. The language of the address appears to me to be very objectionable as far as respects the persons who exercise the executive power in France. Have not your lordships repeatedly charged the Convention with using low, indecent, and scurrilous language, when they alluded to the constitution or government of this country? A noble lord has cited passages from Condorcet and others, to prove their violence and want of decorum whenever they spoke of this country. If the noble lord was correct, let us beware of imitating bad examples. Let it not be said of us that we copy the French in nothing but their low and levelling epithets. Would to God your lordships kept yourselves at

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a distance from their politics also! But here I shall be told that their proceedings are adverse to us, and that they have commenced hostilities and are at open war with us. My lords, give yourselves the recollection of a moment, and say, upon your honour, who were the aggressors; who in fact, commenced hostilities. Did not the government of this country, in open violation of treaty, detain foreign corn in our ports destined for France, before they had given us the least provocation, much less a justifiable cause for this pointed outrage? Did you not, at the same time, suffer corn, and other things perhaps of more importance, to be transported to powers at open war with them, who had invaded their country, and who had threatened them with utter destruction? His majesty's ministers have not scrupled to say, that this embargo was laid to embarrass the enemy. I wish they had condescended to give us some instances wherein the French had at that time discovered their enmity to us. Although pressed to it again and again, we have had only vague surmises, instead of proof. But it is plain to demonstration, that the French were at that time treated by us as enemies, and that we had long determined to force them into hostilities to afford a pretext for our going to war with them.—Another irrefragable proof that ministers were determined to involve the two countries in hostilities, is adduced from their conduct towards M. Chauvelin who had been sent here as ambassador of Louis 16th and could not be acknowledged at the British court in any other capacity. Fearing however, that his representations to the ministers might be made public, and that this country should be convinced that it would be wise, or at least prudent, to enter into some sort of negociation with him, they cut the matter short, and, by virtue of the powers granted to them by the alien bill, he was peremptorily ordered to quit the country within eight days. The indecency of this measure is forgotten when we recollect that it was tantamount to a declaration of war against France. It is positively provided for by the commercial treaty, that if the ambassador shall be dismissed from either country, it shall be considered as an act of open hostility.—It has been said, that strangers in France are under the same restrictions that are imposed upon aliens in this country; and an allusion has been made to my personal experience upon this subject. I admit that strangers cannot travel through that country without a passport, and that the natives are in the same situation. But who has been obliged to apply to a mayor or custom-house officer for a certificate before he can stir a step from the place of his landing? Who has afterwards been obliged to apply for a passport to enable him to go to the place of his destination, having previously undergone the severest examination respecting his most material concerns? Let any noble lord inform me, whether, when these ceremonies are complied with, a foreigner cannot change the place of his abode without obtaining a fresh passport; and whether it is not allowed to him to reside at a greater distance from Paris than fifty miles, and within ten miles of the coast? If all these things were so in France, still an insuperable objection remains to the alien bill; it makes an invidious distinction between Frenchmen and Englishmen: it puts the former into complete bondage without affecting the latter; whereas in France, and every other civilised country the government allows greater latitude of freedom to the stranger than the native. Although this bill had given great and just cause of complaint to the National Convention, and although they felt it as a direct attack upon their nation, yet they refrained from reprisals; they did not abridge the liberties of Englishmen; they did not break off all communication with us, but authorized M. Maret to treat with our government, and to accede to almost any terms that should be imposed upon them. It would be useless to mention the reception he met with. He was ordered peremptorily to quit the country, and thus insult was added to insult. The same infatuation marked the proceedings of his majesty's ministers by the ambassador in Holland. General Dumourier, who had been invested by the Executive Council of France, with full powers to treat with lord Auckland at the Hague, not only offered to enter into a negociation with him there, but proposed to come into this country, if it should be more acceptable to ministers, to settle terms of lasting peace and friendship. It is well known that he was not more successful than M. Chauvelin or M. Maret. The reason is obvious. War had been determined upon in this country, and when we were bent upon it, pretences and occasions were easily furnished.

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Was this the conduct we manifested towards other nations upon similar occasions? Did we treat Spain in this manner when they had seized Falkland Islands; or, upon a more recent occasion, when they had actually seized the ships and imprisoned the subjects of this country? Although the minister had made formidable preparations for war, yet he condescended to enter into explanations with that power, far less formidable than France. He listened then to the voice of justice, moderation, and humanity. The blood and treasure of the nation was spared, and a happy reconciliation took place. The same measure ought to have been adopted respecting France; and then, instead of having provoked a war, the most wanton, the most fruitless, the most dangerous, and to which no end can be affixed, we should have renewed our commercial treaty, so advantageous to this country, and settled the peace of Europe upon a basis that could not have been shaken for ages; I cannot, therefore give my assent to the address now proposed.—His lordship concluded with moving the following Amendment: "That we learn, with the utmost concern, that the assembly, who now exercise the powers of government in France, have directed the commission of acts of hostility against the persons and property of your majesty's subjects; and that they have since actually declared war against your majesty and the United Provinces. We humbly beg leave to assure your majesty, that we will exert ourselves with the utmost zeal in the maintenance of your majesty's crown, the vindication of the rights of your people, and nothing shall be wanting on our part that can contribute to that firm and effectual support which your majesty has so much reason to expect from a brave and loyal people, in repelling every hostile attempt against this country, and in such other exertions as may be necessary to induce France to consent to such terms of pacification as may be consistent with the honour of your majesty's crown, the security of your allies, and the interests of your people."

Lord *Hawkesbury* went into a detail of the breaches of treaties by the French, and the insults and injuries offered to this country. He said, that the alien bill was the same in respect to all nations, and that all the nations of Europe might equally complain of it, and declare war upon the same grounds as France had done. He affirmed that the war was unprovoked by any act of ours that could be construed into an insult; and concluded with a warm panegyric on the duke of Portland, for his patriotic declaration of support to a war, which he had truly said was in favour of the dearest rights of society.

The Marquis of *Lansdown* said, he had co-operated with the noble duke, in his zealous opposition to two wars—the American war, which was a war against principles also, and the Dutch war, which was a war without aggression. In the outset of these wars they had heard the same lofty tone, the same inflammatory language; but, conscious that they were discharging their duty, they had given as firm an oppesition to these wars, as he believed any noble lord was disposed to give to this. It was the peculiar duty of that House to give sound advice to the throne. Their best character was that they were a council, not a register of edicts, and therefore, thinking himself called on to deliver his opinion freely, and the benefits of free debate were too well known, and too often felt in the wisdom of hearing and re-hearing every bill that came before them, that it was wonderful that, on a subject of such magnitude as a war, twenty-four hours was all that was to be given to a question upon which the very fate of England might depend. Ministers themselves should be anxious to avoid taking the nation with this sort of surprise. A stock-jobber might practise a surprise by some ingenious fraud, from which he was to make a sudden profit, and which was to be at an end the next day; a lawyer might exert a lucky thought and gain his process, by a doctrine which he himself would cast off, and reprobate the moment he had done with it; but for the ministers of a country to take a whole nation by surprise, to inflame them by artifice, to cajole them over to a purpose by appeals to their passions, was so monstrously impolitic as well as mischievous, that it could not be sufficiently reprobated It was a mockery of their lordships to say that they expected unanimity. They contrived to prevent unanimity—they had thrown the die—they had involved the nation—and they now came down to eke out their former arguments with all the shreds and fragments they had left. They had rallied all the little vagrant reasons which had strayed from the main body the day before, and what were they?

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—contemptible trifling about ceremonies. They had committed us, and their conduct was now before the tribunal of God, of the public, and of posterity. Who are the aggressors, they who kept a minister, or they who dismissed him—they who offered to explain, or they who refused to hear—they who offered to go on and trade in amity, or they who prohibited the export of grain to them, while open to all the rest of the world? It was well known that Dumourier was anxious to come to England to negociate, not to fight; and nothing but the dismission of M. Chauvelin, in the harsh way in which it was done, put an end to a mission that would have secured us the continuance of peace.—The noble marquis made a forcible appeal on the state of the country, on the discontents of Ireland, and the indisposition of Scotland. What would be the consequence when the real public of England also should be raised, and the false public, the associations, be laid asleep? The state of Holland was not a subject of confidence to those who knew it best. If its Bank, its East-India, and West-India companies, should be affected the whole fabric of Holland would give way. The great question to resolve was, what this war was for, what it was to effect, and how it was to end? It was not a war of anger, nor of vengeance. What was it?—He was afraid it was a war of aggrandizement on our part; a war to prosecute which, we were negociating with the other powers for treaties now understood—now every thing but signed—and which, as soon as we were fairly involved, we should, upon some twenty-four hours notice, be called upon, as we were on this message, to approve.

The Duke of *Leeds* warmly approved of the address, and of the war, which he thought was unavoidable on the part of ministers, and in which they should have his hearty support.

Earl Stanhope's amendment first, and next the earl of Lauderdale's were put, and negatived. The address was then agreed to.

Debate on Mr. Fox's Resolutions against the War with France.] Feb. 18. In pursuance of the notice he had given,

Mr. *Fox* rose. He said that he had delivered his sentiments so frequently on the several points included in his intended motion, that the House could not expect him to add much that was new. Having been accused in the last debate with repeating the same things over and over, he should now content himself with referring to the opinions he had formerly delivered and hoped that he should not be again reproached, in the same breath that reminded him of repetition, with failing to repeat any one of those opinions to whatever part of the subject it might relate. The present crisis was awful. He had done every thing in his power to avert the calamity of war; and he did intend to have made one more attempt, if he had not been most unaccountably prevented by the failure of public business for a whole week. That opportunity was unfortunately lost. We were now actually engaged in war; and being so engaged, there could be no difference of opinion on the necessity of supporting it with vigour. No want of disposition to support it could be imputed to him; for in the debate on his majesty's message, announcing that we were at war, he had moved an amendment to the address, as much pledging the House to a vigorous support of it, as the address proposed by his majesty's ministers, and better calculated to ensure unanimity. But the more he felt himself bound to support the war, the more he felt himself bound to object to the measures which, as far as yet appeared, had unnecessarily led to it.

The necessity of the war might be defended on two principles; first, the *malus animus*, or general bad disposition of the French towards this country; the crimes they have committed among themselves; the systems they have endeavoured to establish, if systems they might be called; in short, the internal government of their country. On this principle, there were few indeed that would venture to defend it; and this being disavowed as the cause of war by his majesty's ministers, it was unnecessary for him to dwell upon it. Secondly, that various things have been done by the French, manifestly extending beyond their own country, and affecting the interests of us and our allies; for which, unless satisfaction was given, we must enforce satisfaction by arms. This he considered as the only principle on which the necessity of the war could be truly defended, and in this he was sure the great majority of the House and of the country were of the same opinion. His object was, to record this in an address; and whatever objection there might be as to time or circum-

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stances, could he obtain the sense of the House purely upon the principle, he should be very sanguine in his hopes of success. Such a record would be a guide to their conduct in the war, and a landmark on which to fix their attention for the attainment of peace. In examining the alleged cases of provocation, he had maintained that they were all objects of negociation, and such as, till satisfaction was explicitly demanded and refused, did not justify resorting to the last extremity. He had perhaps also said, that ministers did not appear to have pursued the course which was naturally to be expected from their professions. He did not mean to charge them with adopting one principle for debate and another for action; but he thought they had suffered themselves to be imposed upon, and misled by those who wished to go to war with France on account of her internal government, and and therefore took all occasions of representing the French as utterly and irreconcileably hostile to this country. It was always fair to compare the conduct of men in any particular instance with their conduct on other occasions. If the rights of neutral nations were now loudly held forth; if the danger to be apprehended from the aggrandizement of any power was magnified as the just cause of the present war; and if, on looking to another quarter, we saw the rights of Poland, of a neutral and independent nation, openly trampled upon, its territory invaded, and all this for the manifest aggrandizement of other powers, and no war declared or menaced, not even a remonstrance interposed—for if any had been interposed, it was yet a secret—could we be blamed for suspecting that the pretended was not the real object of the present war—that what we were not told, was in fact the object, and what we were told, only the colour and pretext?

The war, however, be the real cause what it might, would be much less calamitous to this country, if, in the prosecution of it, we could do without allying ourselves with those who had made war on France, for the avowed purpose of interfering in her internal government; if we could avoid entering into engagements that might fetter us in our negociations for peace; since negociation must be the issue of every war that was not a war of absolute conquest, if we should shun the disgrace of becoming parties with those who in first attempting to invade France, and some of them in since invading Poland, had violated all the rights of nations, all the principles of justice and of honour.

On the first principle he had already stated, as one of two on which it might be attempted to justify the necessity of the present war, as it was most studiously disclaimed by ministers, and all but a very few members of that House, it was unnecessary for him to say any thing. On the second he had said, that the alleged causes of complaint were not causes of war previous to negociation, and on this point his opinions were not new, as they had formerly been called, but such as he had always entertained, from the first moment of his forming opinions upon such subjects; neither were they singular. He had since looked into the writers on the law of nations, and by all the most approved it was laid down as an axiom, that injuries, be they what they may, are not the just cause of war, till reparation and satisfaction have been fairly and openly demanded and evaded, or refused. Some of them even went so far as to say, that reparation and satisfaction ought to be demanded, both previous and subsequent to the declaration of war in order to make that war just.

Our causes of complaint against France were, first, the attempt to open the navigation of the Scheldt; second, the decree of the 19th of November, supposed to be directed against the peace of other nations; third, the extension of their territory by conquest. The first of these was obviously and confessedly an object of negociation. The second was also to be accommodated by negociation; because an explanation that they did not mean what we understood by it, and a stipulation that it should not be acted upon in the sense in which we understood it, was all that could be obtained even by war. The third was somewhat more difficult, for it involved in it the evacuation of the countries conquered, and security that they should in no sense be annexed to France; and no such security could, perhaps, at present be devised. But if we were aware of this; if we saw that during the war the French are engaged in with other powers, they had no such security to offer; if we knew that we were asking what could not be given, the whole of our pretended negociation, such as it had been, was a farce

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and a delusion: not an honest endeavour to preserve the blessings of peace, but a fraudulent expedient to throw dust in the eyes of the people of this country, in order that they might be hurried blindly into a war. The more he attended to the printed correspondence, the oftener he read lord Grenville's letter to M. Chauvelin, so repeatedly alluded to, the more convinced he was how extremely deficient we had been in communicating the terms on which we thought peace might be maintained. We told them they must keep within their own territory; but how were they to do this when attacked by two armies, that retired out of their territory only to repair the losses of their first miscarriage, and prepare for a fresh irruption? When to this studied concealment of terms were added the haughty language of all our communications, and the difficulties thrown in the way of all negociation, we must surely admit, that it was not easy for the French to know with what we would be satisfied, nor to discover on what terms our amity (not our alliance, for that he had never suggested, though the imputation had been boldly made,)—could be conciliated. When to all these he added the language held in that House by ministers, although he by no means admitted that speeches in that House were to be sifted for causes of war by foreign powers, any more than speeches in the French Convention by us; and last of all, the paper transmitted by lord Auckland at the Hague, to the states general—a paper which, for the contempt and ridicule it expressed of the French, stood unparalleled in diplomatic history—a paper, in which the whole of them, without distinction, who had been in the exercise of power since the commencement of the revolution, were styled "a set of wretches investing themselves with the title of philosophers, and presuming in the dream of their vanity to think themselves capable of establishing a new order of society, &c."—how could we hope the French, who were thus wantonly insulted, to expect that any thing would be considered as satisfactory, or any pledge a sufficient security? Let the House compare lord Auckland's language at the Hague with the pacific conduct of ministers at home, as represented by themselves. While they were trying every means to conciliate; while with moderation to an excess, which they could not help thinking culpable, they were publicly ordering M. Chauvelin to quit the kingdom within eight days, but privately telling him that he might stay and negociate; while they were waiting for propositions from M. Maret, which M. Maret did not make; while they were sending instructions to lord Auckland to negociate with general Dumourier, lord Auckland was writing that silly and insulting paper by their instructions; for if he had written such a paper without instructions he was very unfit for his situation, and must have been instantly recalled. Thus, while, as they pretended, they were courting peace, they were using every manœuvre to provoke war. For these reasons, he should move, that ministers had not employed proper means for preserving peace, without sacrificing the honour or the safety of this country.

He came next to consider their conduct with respect to Poland. He had formerly said, that he wished not to speak harshly of foreign princes in that House, although the period had not long since passed, when it was thought perfectly allowable to talk of the empress of Russia as a princess of insatiable ambition, and of the late emperor, as a prince too faithless to be relied upon. But when he spoke of the king of Prussia, he desired to be understood as speaking of the cabinet of the court of Berlin, whose conduct he was as free to criticise, as other gentlemen the conduct of the Executive Council of France. In May 1791, a revolution took place in Poland, on the suggestion, certainly with the concurrence, of the king of Prussia; and, as was pretty generally imagined, although not authentically known, with the court of London. By a dispatch to his minister at Warsaw, the king of Prussia expressed the lively interest which he had always taken in the happiness of Poland, a confirmation of her new constitution, and his approbation of the choice of the elector of Saxony, and his descendants, to fill the throne of Poland, made hereditary by the new order of things, after the death of the reigning king. In 1792, the empress of Russia, without the least plausible pretext, but this change in the internal government of the country, invaded Poland. Poland called upon the king of Prussia, with whose express approbation this change had been effected, for the stipulated succours of an existing treaty of alliance. He replied, that the state of things being entirely changed

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since that alliance, and the present conjuncture brought on by the revolution of May 1791, posterior to his treaty, it did not become him to give Poland any assistance, unless, indeed, she chose to retrace all the steps of that revolution, and then he would interpose his good offices both with Russia and the emperor to reconcile the different interests. The different interests of foreign powers in the internal government of a free and independent nation! It was singular that ministers should be so keen to mark and stigmatise all the inconsistencies of the French with their former declarations, which had been too great and too many, and yet could see without emotion such inconsistency, not to say perfidy, as this conduct exhibited. He was not the defender of the gross departures which had been made by the French from their own principles; but if we thought it unsafe to treat with them, because of their perfidy, we had little inducement to unite with the king of Prussia, who had violated not only principles, but an express treaty, in a more particular and pointed manner, than they had yet had an opportunity of doing. Among the powers at war, or likely to be at war with France, there was no great option of good faith. But the French, it was said, violated their principles, for the sake of robbery and rapine, to seize on territory, and plunder property. Let us look again for a moment to the king of Prussia.

In 1792 he limited the cause of war against Poland by Russia to the new constitution which he himself had approved and promised to defend. But if once this obnoxious constitution was completely subverted, and that excellent old republic (for these crowned heads were great republicans when it suited their convenience) which had for ages constituted the happiness of Poland, re-established on its ancient basis, he would interpose his good offices to conciliate the different interests and restore peace. What, then, prevented him from interposing his good offices? Was not the new constitution completely subverted? Did not the Russian troops succeed in overrunning Poland? Were they not in possession of the whole country? And had not the empress of Russia been able to restore the excellent old republic? But if she was satisfied with her success in this respect, not so the king of Prussia. He was a critic in principles. When he approved of their revolution, the principles of the Poles were unexceptionable; when they were attempting a brave but unsuccessful resistance to a more powerful adversary, their principles were not dangerous; but when they were overpowered by superior force, when they had laid down their arms and submitted to their conqueror, when their whole country was possessed by a foreign army, then he discovered that they had French principles among them, subversive of all government, and destructive of all society. And how did he cure them of these abominable principles? Oh! by an admirable remedy! — invading their country, and taking possession of their towns. Are they tainted with jacobinism? Hew down the gates of Thorn, and march in the Prussian troops. Do they deny that they entertain such principles? Seize upon Dantzick and annex it to the dominions of Prussia. Now, did not this seizure and spoil of Poland tend to the aggrandizement of the powers by whom it was perpetrated? Was it not a greater and more contemptuous violation of the law of nations than the French had yet been guilty of? Most undoubtedly it was. Had we opposed it? Had we remonstrated against it? If ministers had any such remonstrances to show, they would produce them in due time, and the House would judge of them; but while none were produced, or even mentioned, he must presume that none had been made. The invasion of Poland had this material aggravation, that the powers who invaded were not themselves attacked at the time. They had not the excuse of the French to plead, that they did it in a paroxysm of fear and danger, circumstances that prompt nations as well as individuals to many acts of impolicy and injustice. The king of Prussia first connives at or consents to the invasion of Poland. Next, he attempts an unprovoked invasion of France, and is foiled. How does he revenge the disgrace of his repulse? By increasing his army on the Rhine, by concentrating his forces for a fresh attack? No: he more gallantly turns round on defenceless Poland, and indemnifies himself for his losses by seizing on towns where he can meet with no resistance. It was not, therefore, on any general system of attention to the balance of Europe that ministers were acting, since while they pretended to consider it as of the utmost importance in one case, they had suffered it to be most flagrantly infringed upon in another.

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Having dwelt very copiously on the impolicy of viewing, without emotion, the dismemberment of Poland, by three mighty powers, and considering the balance of power engaged only when France had gained the advantage, Mr. Fox deprecated of all things, any thing so infamous as our being supposed to be a party to this abominable confederacy of kings. In speaking thus freely, he hoped he should not be again accused of treating these monarchs with unnecessary severity. When public transactions were in question, it was the right of every one, under whose observation they came, to treat them in the manner precisely that they appeared to him. He did so in treating of our own domestic concerns, and he would take the liberty of doing so, whenever foreign politics were in any ways connected with them. He had but little means of knowing the private characters, habits, or dispositions of kings; and if he had, still, in discussions in that House, he could not fairly be represented as alluding to any other than the public proceedings that were conducted in their name; so that when he spoke of the measures of the cabinet of Berlin, and censured them in the manner which he conceived them to deserve, the personal character of the king of Prussia was by no means implicated in that censure. He therefore lamented openly, that England could be supposed to be in the least involved in that detested league. He could wish, that if we had quarrels, we should fight them by ourselves; or if we were to have allies, that we should keep our cause of quarrel completely separated from theirs and, without intermeddling with the internal concerns of the French republic, not burthen ourselves with any stipulations which should prevent us at any time from making a separate peace, without the concurrence or approbation of those sovereigns. Mr. Fox concluded with moving the following Resolutions:

1. "That it is not for the honour or interest of Great Britain to make war upon France on account of the internal circumstances of that country, for the purpose either of suppressing or punishing any opinions and principles, however pernicious in their tendency, which may prevail there, or of establishing among the French people any particular form of government.

2. "That the particular complaints which have been stated against the conduct of the French government are not of a nature to justify war in the first instance, without having attempted to obtain redress by negociation.

3. "That it appears to this House, that in the late negociation between his majesty's ministers and the agents of the French government, the said ministers did not take such measures as were likely to procure redress, without a rupture, for the grievances of which they complained; and particularly that they never stated distinctly to the French government any terms and conditions, the accession to which, on the part of France, would induce his majesty to persevere in a system of neutrality.

4. "That it does not appear that the security of Europe, and the rights of independent nations, which had been stated as grounds of war against France, have been attended to by his majesty's ministers in the case of Poland, in the invasion of which unhappy country, both in the last year, and more recently, the most open contempt of the law of nations, and the most unjustifiable spirit of aggrandizement has been manifested, without having produced, as far as appears to this House, any remonstrance from his majesty's ministers.

5. "That it is the duty of his majesty's ministers, in the present crisis, to advise his majesty against entering into engagements which may prevent Great Britain from making a separate peace, whenever the interests of his majesty and his people may render such a measure advisable, or which may countenance an opinion in Europe, that his majesty is acting in concert with other powers for the unjustifiable purpose of compelling the people of France to submit to a form of government not approved by that nation."

The first resolution being put,

Mr. *Burke* rose. He said that he thought no apology was due by the right hon. gentleman who preceded him, either to the House or to him, for fatiguing them. For himself, he never was one of those who felt pain in hearing the right hon. gentleman upon any subject but one, and that was, the business now before the House — French politics and French principles. Upon any other topic, however disposed the right hon. gentleman might be to repeat what he had said before, being a repetition of such excellent matter as always fell from the right hon. gentleman, he should be delighted to hear it — *decies repetita placebit.* The copy of such an excellent original, though made for the hun-

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dredth time, must be received with pleasure. But when the right hon. gentleman stooped to imitate wretched French daubers, he could not receive such imitations, he confessed, with satisfaction. He would rather see the copy of the right hon. gentleman himself, though a thousand times repeated, than a copy of such an original as Brissot; and he would aver, that there had not been an argument used, or a proposition made that night, that had not been in the French papers declared to be such arguments and such propositions as would be offered to that House. Whether this strange coincidence arose from accident, or whether the opinions he alluded to were taken by Brissot and the right hon. gentleman, one from the other, or grew out of one common stock, he could not pronounce—the House must judge.

The House, he said, had been that night treated by the right hon. gentleman with much new matter. It was the first time he had ever heard any gentleman, while he was endeavouring to procure an address to his majesty deprecating one war as an unjust one, offer grounds to the House to induce them to enter upon a fresh war, on behalf of a place in another and a remote part of the world. For his part, he never thought Poland, nor did he conceive that she was ever before considered of sufficient consequence, or so intimately connected with the interests of Great Britain, as to induce us to undertake a war on her account. People, he insisted in all situations, but particularly nations, must, and ever would have a predilection for their own safety. What though the king of Prussia took Thorn and Dantzic—a circumstance that he by no means approved of—and what though the empress of Russia overturned the government of Poland—which he declared he as little approved of—yet those were not so near, nor such pressing concerns as that of France getting possession of the countries she had done, and daily augmenting her power. Nations, he said, were not to sit like judges, to act with perfect impartiality, to the exclusion of all ideas of self. Their first duty was, to take care of themselves; and that of England particularly was, to have a watchful and jealous care of the aggrandizement and encroaching movements of France. France was near; Prussia and Poland were distant; and unless there were apprehensions of the injury to Poland ultimately reaching England, there was nothing that rendered it expedient for her to interfere. England saw Sweden overturn the constitution of Poland: she afterwards saw the czar depose Stanislaus, and put Augustus on the throne of that kingdom. In short, she saw various revolutions in Poland, and ultimately a partition of it, and never stirred a hand: nor did the right hon. gentleman himself ever propose any interference, till the moment that the hostile and dangerous proceedings in France called for the whole force and energy of the country to be directed against her. This mode of acting, he said, was new and unprecedented. When war was declared by France, and every multiplied offence offered against Great Britain, when every principle she adopted, and every act she did should be condemned and resisted; to censure that resistance, to turn the attention of the House to a remote part of the world, and neglect the balance of power at and near home, was to him conduct most inexplicable.

The tendency of the resolutions proposed by the right hon. gentleman, was, he thought, the most extraordinary; it was to declare, that Great Britain was, throughout the whole transaction, wrong—and France in every respect in the right. But that right hon. gentleman seemed of late to have adopted a systematic way of thinking upon this subject, and every act of France was, in his opinion, right and just—just when they overturned their ancient government—just when they declared war against Austria—just when they declared war against Prussia—just when they entered Brabant as friends, and treated the people as enemies—just when they planted the steril tree of liberty in the steril soil of Savoy, and annexed it to their dominions—just when, by getting possession of Geneva, they controlled the power of Switzerland—just when they took Liege and annexed it to their dominions; and, lastly, just when they insulted this country. When gentlemen attempted to impress on the House an idea, that England should not interfere with the internal government of France, it would naturally occur, he said, that reciprocity should be looked for; that is to say, that France should not interfere in the internal government of England. Was this the case? No. Could any one read the proceedings of the French convention, without seeing that they granted indemnities for murder, lest the punishment for mur-

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der and assassination there should discourage a spirit of revolt in this country? Did this, he asked, look like intermeddling with the internal government of England or not? But the other day Danton had declared in the Convention, that they had thrown down a king's head as a gauntlet to the kings of Europe; and that the scaffolds erected in Westminster-hall for the eternal trial of Mr. Hastings, would serve for the ministers, and even—he felt, he said, an almost insuperable objection to express it—even for George himself! If the punishment of ministers was necessary, France should leave that punishment to ourselves; and, by not presuming to interfere with us, teach us not to interfere with her. When they passed the sentence for the sacrilegious murder of the best of the kings, some few objected to the policy of the murder, and gave as their reason, that possibly it might put their friends in England and Ireland out of humour with them, and prevent their views on this country. Did not this look like an intention of interfering with the internal policy of this country? Did this deserve the encomium lavished upon them by the right hon. gentleman? If he did not know the purity of the right hon. gentleman's intentions, he should consider what he had said to be an encouragement to France to proceed in her designs to promote insurrection and anarchy in this country.

The right hon. gentleman had remarked that in supporting the ministers in this war, there were two parties, each having a separate ground of reasoning; one the *malus animus* of France and the general internal disorder in that country; and the second, the actual aggressions, without reference to the other. He declared, that whatever opinion he broached, or whatever he said or did, committed no one but himself: he spoke only his own sentiments; he took from no one but himself; he acted on his own single opinion. If he had stated the internal policy of France as a ground for war, it did not preclude him from the right of taking the aggression as a ground also. The House might at one time reject that which necessity might afterwards oblige it to adopt; and it might yet be found expedient to interfere in the internal government of France, by way of retaliation. For his part, he considered them to be a gang of robbers, and that they ought to be treated as such. Gentlemen might cavil at the word! but he still would repeat it. As the pirate told Alexander, that it was only because he had a greater army that he was not called a pirate too, so they, he said, were robbers, but, under cover of their numbers, lost their true distinguishing appellation. His reasons he had given on many occasions, and he would now give them again. His principal objection to France was her internal situation, and her disposition to pull down and destroy all states about her. So far from settling a constitution, they had put all locality of constitution out of the question; and instead of confining their views to settle that of their own country, were for giving a constitution of fraternity to all the world.

The right hon. gentleman had said, that the French might perhaps be got by negociation to repeal the decree of the 19th of November. But would the right hon. gentleman presume to say, or could the House expect, that they would repeal all the decrees and acts they had passed since that time, every one of them confirming and following up, in express terms, the spirit of that decree? If they did, they must abrogate all their proceedings. The right hon. gentleman had taken no notice of the decree of the 15th of December—not a word of that! He, for his part, conceived it to be a thousand times worse than the former one; for it went to subvert the whole state of mankind. For this they had not even offered any satisfaction; and though they had declared war, and had pretended to assign reasons for it, they had not declared any end they had in view. For England, therefore, to declare hers, would be to fight upon unequal terms—as if a man were to fight with single rapier, or rather with shield alone, against sword and shield. This doctrine, he insisted, though repeated a hundred times, was still new, unprecedented and irrational.

For the right hon. gentleman to call the king of Prussia a swindler, was, he thought, highly improper and disrespectful, seeing that he was an ally of Great Britain. France was in a different predicament, and, exclusive of her enormities, was an enemy: besides, she had vilified the king and constitution of England, and was therefore a fit object for opprobium. But to abuse the king of Prussia was neither politic nor decorous. Indeed, the *sans culottes* language seemed now to have become the *bon ton*. The

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word despot was a new epithet in diplomatic language. He reminded gentlemen, however, that this country had made alliances with some of the greatest despots on the earth: in treating, they never inquired what the characters of the princes were with whom they treated: the only question they considered was, whether that prince could be useful in a confederacy against France? And this was the policy, in order to keep down the aspiring ambition of that country. The grand alliance was formed to interfere with the internal government of France, and to force Louis 14th, to call the states general. In short, the arguments used by the right hon. gentleman were such as, had they come from any other person, he would not have troubled himself, or taken up the time of the House, with answering. The whole of them, with which the House had been surfeited, were hashed up in a variety of ways, in every form that the right hon. cook could think of, and crammed down their throats. For his part, however skilfully they were dressed, he wished rather to resort to plain British food, and to go back to the grand alliance. He confessed, that his taste was either too coarse or too refined for the medley dished up of such diversified materials. He would prefer infinitely a solid English dish; a slice of good roast beef to all the kick-shaws of France. Ministers, he wished it to be considered, were not bound by what he said, he having no connexion with them. However, he trusted that he could not be justly accused of rashness in any thing he had offered. Of all men, an old, man who had seen the vicissitudes of life should be most cautious of giving rash counsel. It could not well be thought that a man so old as he was, could have any personal gratification or interest in plunging his country into a war, merely to oppose "that Mountain Nymph, sweet Liberty." This Mr. Burke quoted in allusion to the galleries of the National Convention, generally called the Mountain.

This House, he said, had already, by a solemn vote, given its fiat to the war: and now the right hon. gentleman called upon it to disavow the principles upon which it had grounded that vote. For his part, he still voted for war, and was insuperably averse to treating, and he would give his reasons for it. In doing so, he trusted that the House would give him credit for the proofs which he could, and would, if called upon, bring in confirmation of what he should advance. And first, he contended, that France was not at present in a communicable or negociable situation. She was in a state of anarchy; for he held it to be the very essence of anarchy, that no man could answer for another, nor any race of men bind their successors. Who, then, could we negociate with? Not with the provisionary Executive Council of France: their very title showed that they had not power to treat; they had no power, either by delegation or usage. Like the decemvirs of Rome, they were delegated to form a constitution, and refer the result of their proceedings to the forty-eight thousand republics of France. He strongly contended that there was no power constituted in France that could treat, for they declared themselves to be unalienable with other states. In every country in the world there was some one man or body of men that were known to have powers to treat—in France there was none. Roland he had once before described as a factious traitor, who had deceived the confidence of his king, and led him on to ruin. Le Brun had risen to the rank of a minister of state from being an obscure scribe at Liege; afterwards a journalist; from which station he was promoted to a higher department in a newspaper. From Liege he was driven with ignominy, to grace the senate and executive administration of the French government. Roland was surely not of consequence enough to take the whole government of France on himself. Le Brun was the son of a swiss porter, and he should conceive, not of that imposing dignity to supply the place of all government. Condorcet, though the most humane of all murderers, and Brissot, the most virtuous of all pickpockets, were not of weight enough, he thought, to assume the power. "We, therefore," said Mr. Burke, "come to citizen Egalité, alias Orleans, and if you choose to treat with him, with all my heart!" As to Dumourier, he could not answer for the obedience of his army, relaxed and weakened as all government was; therefore he was out of the question.

With regard to Chauvelin, his being received here was the greatest instance of compassion to the unfortunate king of France. The black ingratitude that marked the character of that man must

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procure for him the abhorrence of every honest person living. His father was a servant of the king's, and died one day suddenly while in attendance: the king took the son, then only five years old, under his protection, put him in his father's place, and reared him up; and the return he had made him was to join the band of wretches that afterwards murdered him. In short, upon a minute examination of the conduct of the whole National Convention, he could not see one that was not stained by the most infamous crimes. In the whole groupe, taking Robespierre, Santerre, and all, the only man of any degree of honour among them was the hangman. This poor fellow had some degree of feeling, from which his colleagues were exempt: he had the spirit to refuse to execute the king, though he was at no loss for deputies. Mr. Burke then described the marked indignity offered to the king of Naples in sending a common grenadier to demand an interview with him in his own palace, and the cavalier manner in which the low republican domineered over him. This proceeding he represented as a marked insult upon all the kings in Europe. While gentlemen talked of negociation, he should be glad to know which of them would go to France as ambassador. He was sure the right hon. gentleman would not; he had too great a concern for his personal feeling: but statesmen were often willing to send others on a forlorn hope, on which they would not go themselves. The right hon. gentleman had, with much flippancy, talked of the law of nations. He wished to know on what law the French could be expected to treat; they had made a new law of nations of their own, and had pronounced all treaties between kings—or, as they called them, despots—void. Gentlemen, he said, who were so charmed with the lights of this new philosophy, might say that age had rendered his eyes too dim to perceive the glorious blaze. But old though he was, he saw well enough to distinguish that it was not the light of heaven, but the light of rotten wood and stinking fish—the gloomy sparkling of collected filth, corruption, and putrefaction.

So have I seen in larder dark,
Of veal a sparking loin,
Replete with many a brilliant spark,
As sage philosophers remark,
At once both stink and shine.

He concluded with declaring it to be his fixed opinion, that if we continued at peace with France, there would not be ten years of stability in the government of this country.

Mr. *Grey* charged Mr. Burke, with the grossest misrepresentation of the arguments of Mr. Fox. He contended, that the balance of Europe was as much endangered by the aggression against Poland as by the aggrandizement of France. His right hon. friend, he said, did not argue for the involving this country in another war, as had been asserted by the right hon. gentleman, but that ministers, who were now so solicitous for the preservation of the balance of Europe, would have acted in a manner becoming them, had they, when that balance was before threatened, behaved with justice and impartiality.—The argument in favour of our interference against France, though not in favour Poland, on account of France being nearer, could not apply; for in the course of the last summer France was not in a situation to alarm us: but at that period we had seen with indifference, Austria and Prussia, forgetting their ancient jealousy of the aggrandizement of Russia, in Poland, suffer her to make on that unfortunate country the most unjust and unprovoked attack. The part subsequently taken by Prussia was unparalleled for perfidy. He contended that the same ground upon which we justified our interference on the question of the Scheldt, ought to have induced us to interfere in favour of Dantzic; for we were the guarantees of her independence, as strongly as we were the guarantees for the exclusive navigation of the Scheldt. The right hon. gentleman had stated it to be a new case, that any member should vote for the support of a war, and at the same time condemn that war; but had the right hon. gentleman himself never been in such a situation. Had he not supported the war against America, though he threatened ministers with an impeachment for involving the country in it? It was the duty of that House to support a war whenever we were involved in it; but it was also their duty to examine the measures of ministers, and if they were found to be measures of aggression, it was their duty to address for their removal and punishment, and to hold out such honourable terms of peace to the enemy as might induce them to end the war. He replied to most of the observations

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made by Mr. Burke on the internal affairs of France, and concluded by agreeing to the motions, which appeared to him to contain principles incontrovertible.

Mr. *Jenkinson* was of opinion, that the negociation demonstrated that no honourable means of procuring peace had been neglected. He thought that the same principles which dictated the armament must have dictated war on our part, even if we had not been attacked. He agreed with gentlemen on the other side, that the cause of war should always be distinct, in order to know when we were to look for peace. In this case there were three separate and distinct causes of war, the decree of the 19th of November, the business of the Scheldt, and the aggrandizement of France; and ministers had done right in stating precisely the causes; but he could not see the propriety of stating the specific reparation required, because that might be extremely inconvenient, and perhaps impracticable. He next proceeded to examine these causes of war, and the answer which had been given by France with respect to them, which he considered as totally unsatisfactory; their explanations were repetitions, and they are given as ultimatums. He insisted that the recall of earl Gower, with all the circumstances attending it, manifested no hostile disposition on the part of this country; and it was clear, from the answer of M. Le Brun, that France was herself of that opinion. Between the recall of earl Gower and all their recent acts of aggrandizement and of hostility, there was no hostile act on our part subsequent to these acts. He, indeed, admitted the stopping of the corn ships, and the dismission of M. Chauvelin; both of which he vindicated as necessary. Ministers, he said, had been blamed for not preventing the armies of Austria and Prussia from entering France. This he considered in three points of view: 1st. Could we have done so? 2nd, Would it have been just? 3d, Would it have been politic? And on all these separate grounds he vindicated the conduct of ministers. As to the policy of recalling earl Gower, he stated several arguments, from the danger of offending even France herself, if the duke of Brunswick had been successful; and from the danger of offending our allies, the courts of Vienna and Prussia, had we sent his lordship back to Paris after the failure of that expedition, as well as from other considerations of policy. He next adverted to the idea that had been thrown out, of sending an ambassador, with his pockets full of money, to bribe the Convention. But in any event, to whom must we have accredited our ministers. To a set of murderers, and, in diplomatic language, "to cultivate with them a good understanding." With respect to the French sending an ambassador to Cromwell, he asked, whether we should consider the conduct of cardinal Mazarin as worthy to be held up as an example to us? With respect to Poland, what could we do but remonstrate? Perhaps ministers might have done so; but this they could best tell themselves. We could do nothing, at all events, but send a fleet to the Baltic, and the doing so could answer no purpose without the co-operation of a military force. Poland, with respect to us, was a distant object; and the prudence of our acting in any shape must be determined by the probability of success. There was a moment for us to have humbled Russia; and by whom was the favourable opportunity prevented from being laid hold of? Besides, we were now to interfere with respect to Poland, which was at least comparatively a small evil; we must necessarily divide and weaken our efforts, in repelling a great and momentous evil. If we did not now vigorously oppose France, and she should continue successful, we must inevitably be at war in a twelvemonth with very great disadvantages; Austria and Prussia crippled, and the maritime power of France, as well as her revenue, much increased. But now war was actually declared: we had addressed his majesty with the strongest assurances of support in carrying on a war which we had stated to be groundless and unprovoked. He neither knew nor had heard of any new facts or circumstances that had since then occurred, and he therefore thought that it would be highly dishonourable and improper in that House to give the lie to the address which they had so recently sent up to the throne. He therefore concluded with moving the previous question.

Mr. *Adam* said, that the motion appeared to him to be such as the House ought to adopt, as a first and proper criterion by which the public should judge of the present war and of the consequences that were likely to follow. The question now was, whether the House should come

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to a resolution, that this country ought not to interfere with the internal government of France. In the course of arguing the subject, gentlemen on the other side, gave the point up, and chiefly relied on the three grounds insisted upon on a former debate, as reasons for the present war; the decree of the 19th of November; the plan of France for its aggrandizement; and their attack on our allies; these were the minister's avowed reasons for the war, but they were at variance with their own declarations, for they said one thing, and meant another; their views were to draw us into a war, the event of which it was impossible for any man to foresee. Mr. Adam here alluded to the conduct of ministers towards M. Chauvelin, and made several observations on it, as also on the manner of their giving instructions to lord Auckland to treat with Dumourier at the time they affected to say they would not treat with any agent of the French republic. What were the public to infer from this? Why certainly that there was no sincerity in the professions of his majesty's ministers, that they said one thing and meant another. He maintained that the conduct of ministers from the beginning to the end discovered a temper and disposition to be at enmity with France; indeed they had almost avowed as much. He wished the House to reflect on the last declaration of lord Auckland, in which the character of the French was insulted: they were stated to be now, and for the last four years to have been, a set of wretches calling themselves philosophers, &c., and yet with the agent of these very wretches our ministers gave lord Auckland leave to treat. This lead to the conclusion, that our ministers avowed opinions in that House, and that such opinions they did not act upon; and that for their conduct they assigned reasons with which the people of this country ought not to be satisfied, at a time when they were to be engaged in a war. Mr. Adam called upon the House to compare the present with all former wars. It was probable that the steps already taken, on the part of government, would not be followed up with a declaration of war; a ceremony observed in all other wars, except, for obvious reasons, in the last. It was proper that when a country like this went to war, that war should be declared: it was a regular constitutional mode, and ought to be observed; because, when a declaration of war took place, there was always something like a reason assigned for going into it. Now he wished that to be the case here; as the people of this country would then know the avowed object of the war, and ministers would be in some degree tied down to some point. He supported the resolution, because it went to the point of defining the object of the war; and he was sure if it was not defined, the people, not knowing the object of it, would be adverse to the burthen of fresh taxes, and that discontents would arise. He was sure, that if ministers intended to proceed upon this war with vigour, they should do every thing in their power to prevail upon the people to join in it heart and hand as on the loss of that spirit, a war would soon be ruinous to us.

Mr. *Jekyll* could not content himself with giving a silent vote on this occasion. He understood that the sense of the House was, this night, to be taken; and he was happy that he should be one in a minority, however small, to whom the nation would hereafter look as the saviours of their country. Of all minorities, at the commencement of a war, this was the most considerable. Ministers he certainly regarded as the aggressors in the present war. Let us put the French in the same situation with ourselves: might they not say that we had treated their ambassador, during his residence in this country, with contempt; that we had dismissed him with scorn and indignation: that we had discovered hostile views by stopping their supplies of corn; and by the regulations of the Alien bill? Were none of these to be considered as aggressions on the part of ministers? Indeed by the conduct of ministers, the French had been put into a situation in which they could not act otherwise than they had done in declaring war; and this war was brought about during a period of prosperity in this country, during the system of economy which had been so frequently held out by administration. By this war, that prosperity was put to hazard; and all the advantages of that economy thrown away. He should beg to call the attention of gentlemen to the insular policy of this country, which rendered it not necessary for us to embroil ourselves in the disputes of the continent, at the expense of our own interest, but allowed us to stand by and act the part of fair traders, and avail ourselves of all the advantages which resulted from our peculiar situation. He made a solemn appeal to ministers, if there was

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any possibility of bringing about a peace, to employ all the means for this object. Should they succeed, he should willingly forgive what he considered as blamable in their conduct, and grant them, an amnesty for all that was past. He was happy in the opportunity which was now offered him of entering his solemn protest against a war, which he considered as no less unjust in its origin, than calamitous in its consequences.

Mr. *Powys* rejoiced, that on this day the sense of the House was decidedly to be taken, that they might no longer be in the dark, who were on one side and who were on the other. We were now at war with France; she had declared war against us. What, in this crisis, was the duty of every good citizen? To support the measures of administration, in order to enable them to carry on a war with vigour, and bring about a desirable peace. Would the present motion have either of these effects? On a former occasion, he had styled certain gentlemen advocates of France. From what had occurred in this night's debate, the House might judge whether they were or were not. The present motion he considered as one of the most insidious that ever had been made, not certainly in intention, but in effect. It partly assumed, what that House had not admitted, and partly mis-stated what they had. It was in direct opposition to the last address to his majesty. The blame which it contained was all retrospective; and he left to the House to determine whether it could be attended with any good effect.

Major *Maitland* rejoiced that, on the present occasion, he should be one in a minority, which, however small in number was not to be considered as less respectable, as acting from a sense of their duty and a regard to the interest of their country. There was one thing to which he wished to advert—the practice of calling him and those who were of the same opinion, advocates of France. He was no advocate for France, neither was he an advocate for German despots. He equally reprobated the crimes of anarchy and despotism; and if the hon. gentleman who had spoken last, called him an advocate, for French anarchy, he would think himself entitled to call him an advocate for the bloody combination of despots against the liberties of France and of Europe. It was of no consequence to him, whether human misery arose from a jacobin society of republicans at Paris, or from a jacobin confederation of Princes at Pilnitz. If, on the one hand, were seen the evil consequences of anarchy, on the other, were no less forcibly displayed those of despotism. Here was the difference: in the one instance, that of anarchy, those cruelties which had been perpetrated, originated from popular fear and fury worked up to their highest pitch; on the other, we beheld despotism sitting down in the moment of cool deliberation to meditate a system of the most sanguinary proscription. What was the lesson which we were thence to derive? It was a lesson of the necessity of that caution with which this country ought to take part in a war on either side. The popularity of the war had been much talked of by ministers; but was this war popular with the manufacturer? Could this war, which had so greatly contributed to the fall of the stocks, be popular with the monied men? Was it popular with the labourers, the expense of which was to be defrayed from the sweat of their brows? Or, what was the true criterion of the popularity of a war, had thousands of volunteers been found coming into our army and navy? The reverse of the fact, he believed, was the case.

Mr. *Lambton* said, that he rejoiced that the sense of the House was to be taken, and that his name should go down to posterity in that minority who approved of the motion of his right hon. friend. His right hon. friend had been called an advocate for France. He was not an advocate for France, but for the peace of England; an object which surely was worthy of the most exalted ambition. A degree of malignity, indeed, had characterized all the attacks made upon him. It had been said, that he derived all his arguments from the common stock of Brissot, who was, in another breath, pronounced by the same right hon. gentleman (Mr. Burke) the Prince of pickpockets. Did he mean to say that his right hon. friend had any connexion with M. Brissot? If this was his meaning, he asserted a most notorious falsehood.

Sir *Richard Hill* observed, that if ever he should vote for an unnecessary war, sensible as he was of the miseries with which such a measure was always attended, he should think that his tongue deserved to be cut out; but the present war he considered as inevitable. It had been said, why not treat with the French Convention for the purpose of preventing a

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war? Treat with the French Convention! He would as soon treat with the palace of Pandemonium!

Sir *Francis Basset* said, that the merchants, manufacturers, and labourers lamented the war, he had no doubt! they must all feel its consequences operate against their immediate interest; but they all, he would be bound to say, saw the necessity of the measure, and were prepared to support it, as undertaken for their common defence. This was a war not for the purpose of interference, but for the purpose of procuring reparation for those injuries and insults which have been offered to this country. He had been surprised to hear it alleged, that we were the aggressors in this war, when the fact was notorious, that, at the very moment when the French were professing their desire of being on a good understanding with Great Britain, the minister of the marine had written a letter to the friends of liberty and equality in the maritime towns, exciting them against this country, and proposing to land on our coasts an army with 50,000 caps of liberty. With respect to himself, he had always been accustomed to act, he trusted, not inconsistently, with the right hon. gentleman (Mr. Fox). And notwithstanding this difference, he could not forbear to take this opportunity of expressing his very high opinion of the talents of that right hon. gentleman, and the no less high opinion which he entertained of his heart.

Mr. *Fox* rose to reply. He began with adverting to what had fallen from Mr. Powys. That hon. gentleman, who had lately chosen to distinguish himself by very particular attacks upon him, had styled him an advocate for France. If the hon. gentleman meant an advocate for what was just and right, so far he would allow himself to come under the description; but, if he meant that he entered into the partialities and interests of an advocate, he begged to disclaim the character. The phrase was ambiguous; and the hon. gentleman, in applying it knew it would, and perhaps intended that it should, be taken up by the public in the most invidious point of view. That hon. gentleman had said, that he rejoiced that the sense of the House was that night decidedly to be taken. If any thing could deter him from taking, as he proposed, the sense of the House, it was this mode of invitation, which was neither decent nor parliamentary. The right which had lately been insisted upon of a majority to know who were those who opposed them, was inconsistent with the usage and privileges of parliament. He next adverted to what Mr. Burke had alleged, that, according to his mode of reasoning, every thing which had happened in France was just and every thing done in opposition to them otherwise. Because he had said, that the French were justifiable in declaring war against the emperor of Germany, who had discovered hostile intentions towards them, he was therefore supposed to approve of all their proceedings in Brabant. Was this a fair conclusion? That right hon. gentleman had likewise stated, that he had adopted new principles of reasoning.—That it was new to state arguments against the country. The arguments which he had stated were directed against the ministry. And was it to be understood, that whenever ministers were blamed, the country was censured? Were we, from our detestation of French republicanism, come to that pitch of triple refined despotism, that, to arraign the conduct of ministers was to be represented as an attack upon the country? In that case, it would be better at once to shut the doors of that House, and dispense with the form of deliberating, when the substance was destroyed. It would be better, when a war was declared, to give up at once all the free part of the constitution; and to leave every thing to the absolute and arbitary decision of ministers. But, had the right hon. gentleman always acted upon the principle which he now wished to establish? Had he not, in 1778, thought proper to arraign the conduct of ministers, while the country was engaged in a war? There was another point on which he wished to touch. Ministers, whom, on the present occasion, the right hon. gentleman thought proper to support, had conceived it proper to make attempts to treat with the French. Why, then, should they escape the right hon. gentleman's censure, while he imputed as so great a crime to opposition the very wish to treat with that nation? Poland, it had been said, was a more remote object; but what sort of political morality was that which represented an object as less interesting, in proportion as it was more remote? Were all the charges of horror to be heaped upon the French, with a view of exciting indignation against them; and was the conduct of the court of Berlin, which was still worse, to be passed en-

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tirely by? Were we to deal out our invectives in so large a proportion against the French, while, with respect to the court of Berlin, we abstained from the smallest degree of censure? In that case, political morality, which had never been rated high in the opinions of men, would sink very low indeed! He considered high rank or situation so far from being an extenuation, as affording an aggravation of the offence. Much had been said about treating with the present Executive Council of France. He would only remark, that in every country you must treat with those who have a power, unless you are bent on views of extirpation. Much, likewise, had been said of the influence of France. Was the influence of France so formidable, and was the influence of Austria and Prussia nothing?—an influence which had been that evening stated to have completely shut us out from the republic of Europe, and to have deprived us of the means of saving Poland, however much we might have been inclined. An hon. gentleman had stated his motion to be insidious, and the reason which he had assigned was, that it partly assumed what had not been admitted in that House, and particularly mistated what had. Now, he would inform that hon. gentleman that his motion had not the smallest connexion with any thing that had been stated in that House, nor even could admit of the most distant allusion thereto. It had been asked, how his motion could have any tendency to bring about a peace? An hon. gentleman on the other side of the House, with the candour of youth, had admitted, that nothing could more directly lead to peace than a precise ground being stated for the war. If the nature of the reparation which we desired was specified, the object was then precise, and, when it was obtained, war was at an end. But if his motion was not adopted, and if gentlemen went away with a doubt of the object which was aimed at by the war, it could not then be known to what length, or under what pretences the war might be protracted. In the course of the debate, one of these pretences was, that the conduct of the court of Berlin with respect to Poland had not been attempted to be vindicated. If Brissot was to be the object of so much invective, was the court of Berlin to be exempted from censure? The more elevated the situation from which crimes proceeded, the more were they to be reprobated, the more pernicious was their example, and the more extensive the mischief with which they were attended. That a high situation should procure oblivion or impunity for crimes, was a maxim which no just, generous, or magnanimous mind would readily admit. He was not acquainted with M. Brissot, whom a right hon. gentleman had styled the prince of pick-pockets, but he always understood that any objections stated to his character arose only from his public conduct. With respect to M. Chauvelin, he would likewise suggest to that right hon. gentleman to be cautious in admitting accounts, as ground for his invective, which came from persons heated with the most violent personal enmity and political animosity.—Mr. Fox said, he had now finished his task—and could with confidence say *liberavi animam meam!* He had done all that he could do. He had been told that the part he had taken was not popular. No man was more desirous of popularity than he was; no man would make more just sacrifices to obtain it. If the part which a regard to the interests of the country obliged him to take was not popular, it was not his duty to be influenced by that consideration. We had now got into a war; and how best to put an end to that war was the object which demanded their attention. It was their business, treading the old constitutional ground, to come forward boldly with their opinions, in proportion to the importance of the crisis and the dangers of the country, and not to be deterred by the suggestions of timidity, or by menaces of unpopularity. It gave him satisfaction that no one had ventured to come forward to give a negative to his motion, even amidst the general exultation which prevailed among the members of that House, with respect to a war; but that it was to be got rid of by the previous question. He feared—he by no means wished—that this exultation in its event would have a termination similar to that which had been so emphatically described by Tacitus, "*Spe lætâ, tractatu durâ, eventu tristiâ.*"

Mr. *Windham* objected to the motion as being ambiguously expressed. What was the interference which was here meant; and what the difference which had been alleged to subsist between ministers and those who supported them with respect to interfering in the internal government of France? The word "interference" evidently admitted of different

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constructions. By interference, as it was used, they must evidently mean that interference in the internal government of a country, the operations of which were confined to itself; and in this point of view it became a mere speculative and abstract question, without any application to the particular state of affairs. It had been a great question of morality among writers, how far any country was justified in interfering in the internal affairs of another; and the only danger to result from establishing the doctrine seemed to be, that it might be of dangerous consequence, as proceedings which in one instance were dictated by pure benevolence, might serve as a cover to other interferences of a very different nature. When we talked of the internal government of France, we talked of it as it concerned ourselves; we talked of the proceedings and principles in that country as affecting our own. When opinions were propagated by force of arms, it became necessary that they should be opposed. When armies and navies were employed to disseminate principles, armies and navies became the proper means of resisting them. What, then, was the great difference between ministers and those who supported them, on this ground of internal interference? For his part, he did not know that ministers had assigned all the causes of the war. Another difference which had been stated between ministers and those who supported them, was, that while the former were actually attempting to treat, the latter had declared France not to be negociable: but might not, in the case of those who concurred in one object, a difference of opinion take place with regard to the effects of a treaty? Might they not be divided in their opinion of its success, and while one considered it as expedient and proper, the other regard it as useless and unavailing? As to that point which had been so much insisted upon, that we should state the precise grounds of our going to war, and the object which we wished to attain, it was contended, that there were not sufficient causes for going to war, but it was demanded that these causes should be expressly mentioned. With respect to war, he would remark, that it was a matter of extreme difficulty to give definitions in the outset; and it would certainly be extremely ridiculous, by any previous declaration, to limit ourselves in our operations and means of acting, especially when opposed to an enemy who sat no such bounds to themselves. It would be equally impolitic not to avail ourselves of any dissentions which might arise in the territories of the enemy, and it would certainly be doing a service, both to the French themselves, and to the cause of humanity, to endeavour, if an opportunity presented itself, to establish in France a better form of government. The phrase *bellum internecinum*, which had so often been alluded to, he believed he had first made use of, and by it he meant, not a war for the extirpation of the enemy, but a war in which we ourselves have every thing at stake; a war in which our dearest and most valuable interests were involved.

Mr. *Sheridan* said, that he was not surprised at the clamorous demand of the question, at the commencement of the speech of the hon. gentleman who had spoken last. When his right hon. friend who had moved the question, had availed himself of his privilege of reply, it was to be supposed the debate was finished, and it was neither consistent with usage, nor fair and candid in the hon. gentleman, to attempt to say any thing more. Their friends, he must confess, treated them with a sort of French fraternity, and did them more real injury than their open enemies. The question, which the hon. gentleman had represented to be speculative and abstract, particularly applied to the present situation of the French. As to the right of the country to interfere in the internal government of another, upon the principle of pure benevolence, it would be found to be a doctrine, perhaps more specious in theory than safe in practice. He understood, however, that it was admitted by the best writers that no such right existed; but let us look to the consequences of this principle of pure benevolence. From pure benevolence the empress of Russia interfered in the internal affairs of Poland. From the same consideration the king of Prussia had possessed himself of Dantzic and Thorn. It was pure benevolence which induced the Spaniards to commit all those cruelties which had disgraced their establishments in the new world. Were such a right of one government to interfere in the affairs of another admitted, it would be impossible to draw any line, or to fix its precise limits; but the hon. gentleman, while he so much reprobated French principles, seemed to have adopted their conclusions, and was now exactly defend-

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ing that line of conduct which the French had proposed by their decree of the 19th of November. In justifying, on a former occasion, the riots of Birmingham, he had adopted the reasoning of Robespierre, when he vindicated the massacres of the 2nd of September — that the persons who had suffered, had indeed done no mischief, but that had they not been crushed, they might have become extremely dangerous. It was not because they considered a negociation as useless, that certain gentlemen who supported the minister had disapproved of treating at all with France, but because they considered France as not negociable. Ministers, in what they had said of a proposed conference between general Dumourier and lord Auckland, had stated that it was perfectly consistent to treat with a general in time of war. So then we were to go to war for the sole purpose of making an opening for negociation.

Mr. *W. Smith* disapproved of a war, whether the object was to oppose French arms or French principles. In both cases, he considered a war as tending to increase the danger.

The previous question being put, that that question be now put; the House divided:

TELLERS.

YEAS	Mr. Adam - - - - -	44
	Mr. Lambton - - - -	
NOES	Mr. Powys - - - - -	270
	Mr. Jenkinson - - -	

So it passed in the negative.

List of the Minority.

Antonie, W. Lee	Plumer, W.
Bouverie, hon. E.	Powlett, W. Powlett
Burch, J. R.	Russell, lord John
Baker, William	Russell, lord Wm.
Courtenay, J.	Sheridan, R. B.
Coke, T. W.	St. John, St. Andrew
Coke, E.	Smith, Wm.
Church, J. B.	Spencer, lord R.
Colhoun, W.	Sturt, Charles
Crespigny, J. C.	Taylor, M. A.
Erskine, T.	Taylor, C.
Fox, C. J.	Thompson, T.
Fitzpatrick, R.	Vaughan, B.
Francis, F.	Wycombe, earl of
Grey, Charles	Wyndham, P. C.
Hare, James	Whitbread, S.
Howard, Henry	Wilbraham, R.
Hussey, W.	Western, C. C.
Harrison, J.	Whitmore, T.
Howel, D.	Wennington, sir E.
Jekyll, Joseph	TELLERS.
Maitland, T.	Adam, W.
Macleod, col.	Lambton, W. H.
North, Dudley	

Debate on Mr. Grey's Motion for an Address to restore Peace with France.] Feb. 21. Mr. *Grey* rose and said, that in moving the address to his majesty, which he should now have the honour to propose to the House, he would not take up their time by any previous speech. He could hardly entertain a hope, after what had passed, that his proposition would be acceded to, though he wished most ardently that it were possible, as it might still, perhaps, be the means of averting the calamities of war: but whatever might be its fate, he was anxious to come forward with an explicit declaration and avowal of his sentiments, and to court the distinction of being recorded as one of those who had, with every possible exertion, opposed those impolitic measures, whereby we had been plunged into a war, which was likely to be so ruinous and calamitous to this country. He then moved,

"That an humble address be presented to his majesty to assure his majesty that his faithful Commons, animated by a sincere and dutiful attachment to his person and family, and to the excellent constitution of this kingdom, as well as by an ardent zeal for the interest and honour of the nation, will at all times be ready to support his majesty in any measures which a due observance of the faith of treaties, the dignity of his crown, or the security of his dominions, may compel him to undertake.

"That feeling the most earnest solicitude to avert from our country the calamities of war, by every means consistent with honour and with safety, we expressed to his majesty, at the opening of the present session, 'our sense of the temper 'and prudence which had induced his 'majesty to observe a strict neutrality 'with respect to the war on the conti-'nent, and uniformly to abstain from any 'interference in the internal affairs of 'France;' and our hope that the steps his majesty had taken would have the happy tendency 'to render a firm and 'temperate conduct effectual for preserv-'ing the blessings of peace.'

"That, with the deepest concern, we now find ourselves obliged to relinquish that hope, without any evidence having been produced to satisfy us that his majesty's ministers have made such efforts as it was their duty to make, and as, by his majesty's most gracious speech, we were taught to expect, for the preserva-

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tion of peace: it is no less the resolution than the duty of his majesty's faithful Commons to second his efforts in the war thus fatally commenced, so long as it shall continue; but we deem it a duty equally incumbent upon us to solicit his majesty's attention to those reasons or pretexts, by which his servants have laboured to justify a conduct on their part which we cannot but consider as having contributed, in a great measure, to produce the present rupture.

"Various grounds of hostility against France have been stated, but none that appeared to us to have constituted such an urgent and imperious case of necessity as left no room for accommodation, and made war unavoidable. The government of France has been accused of having violated the law of nations, and the stipulations of existing treaties, by an attempt to deprive the republic of the United Provinces of the exclusive navigation of the Scheldt. No evidence, however, has been offered to convince us that this exclusive navigation was, either in itself or in the estimation of those who were alone interested in preserving it, of such importance as to justify a determination in our government to break with France on that account. If, in fact, the States general had shown a disposition to defend their right by force of arms, it might have been an instance of the truest friendship to have suggested to them, for their serious consideration, how far the assertion of this unprofitable claim might, in the present circumstances of Europe, tend to bring into hazard the most essential interests of the republic. But when, on the contrary, it has been acknowledged that no requisition on this subject was made to his majesty, on the part of the States general, we are at a loss to comprehend on what grounds of right or propriety we take the lead in asserting a claim, in which we are not principals, and in which the principal party has not, as far as we know, thought it prudent or necessary to call for our interposition.

"We must farther remark, that the point in dispute seemed to us to have been relieved from a material part of its difficulty, by the declaration of the minister of foreign affairs in France, that the French nation gave up all pretensions to determine the question of the future navigation of the Scheldt. Whether the terms of this declaration were perfectly satisfactory or not, they at least left the question open to pacific negociation; in which the intrinsic value of the object, to any of the parties concerned in it, might have been coolly and impartially weighed against the consequences, to which all of them might be exposed, by attempting to maintain it by force of arms.

"We have been called upon to resist views of conquest and aggrandizement entertained by the government of France, 'at all times dangerous to the general 'interests of Europe, but, asserted to be 'peculiarly so, when connected with the 'propagation of principles, which lead to 'the violation of the most sacred duties, 'and are utterly subversive of the peace 'and order of all civil society.'

"We admit, that it is the interest and duty of every member of the commonwealth of Europe to support the established system and distribution of power among the independent sovereignties, which actually subsist, and to prevent the aggrandizement of any state, especially the most powerful, at the expense of any other; and, for the honour of his majesty's councils, we do most earnestly wish, that his ministers had manifested a just sense of the importance of the principle to which they now appeal, in the course of late events, which seemed to us to threaten its entire destruction.

"When Poland was beginning to recover from the long calamities of anarchy, combined with oppression; after she had established an hereditary and limited monarchy like our own, and was peaceably employed in settling her internal government, his majesty's ministers, with apparent indifference and unconcern, have seen her become the victim of the most unprovoked and unprincipled invasion; her territory overrun, her free constitution subverted, her national independence annihilated, and the general principles of the security of nations wounded through her side. With all these evils was France soon after threatened, and with the same appearance either of supine indifference, or of secret approbation, his majesty's ministers beheld the armies of other powers (in evident concert with the oppressor of Poland) advancing to the invasion and subjugation of France, and the march of those armies distinguished from the ordinary hostilities of civilised nations by manifestoes, which, if their principles and menaces had been carried into practice, must have inevitably produced the

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'return of that ferocity and barbarism in 'war, which a beneficent religion, and 'enlightened manners, and true military 'honour, have for a long time banished 'from the Christian world.'

"No effort appears to have been made to check the progress of these invading armies; his majesty's ministers, under a pretended respect for the rights and independence of other sovereigns, thought fit at that time to refuse even the interposition of his majesty's councils and good offices, to save so great and important a portion of Europe from falling under the dominion of a foreign power. But no sooner, by an ever-memorable reverse of fortune, had France repulsed her invaders, and carried her arms into their territory, than his majesty's ministers, laying aside that collusive indifference which had marked their conduct during the invasion of France, began to express alarms for the general security of Europe, which at it appears to us, they ought to have seriously felt, and might have expressed, with great justice, on the previous successes of her powerful adversaries.

"We will not dissemble our opinion, that the decree of the National Convention of France of the 19th of November, 1792, was in a great measure liable to the objections urged against it; but we cannot admit that a war, upon the single ground of such a decree, unaccompanied by any overt acts, by which we or our allies might be directly attacked, would be justified as necessary and unavoidable. Certainly not, unless, upon a regular demand made by his majesty's ministers of explanation and security in behalf of us and our allies, the French had refused to give to his majesty such explanation and security. No such demand was made. Explanations, it is true, have been received and rejected. But it well deserves to be remarked and remembered, that these explanations were voluntarily offered on the part of France, not previously demanded on ours, as undoubtedly they would have been, if it had suited the views of his majesty's ministers to have acted frankly and honourably towards France, and not to have reserved their complaints for a future period, when explanations, however reasonable, might come too late, and hostilities might be unavoidable.

"After a review of all those considerations, we think it necessary to represent to his majesty, that none of the points which were in dispute between his ministers and the government of France appear to us to have been incapable of being adjusted by negociation, except that aggravation of French ambition, which has been stated to arise from the political opinions of the French nation. These indeed, we conceive, formed neither any definable object of negociation, nor any intelligible reason for hostility. They were equally incapable of being adjusted by treaty, or of being either refuted or confirmed by the events of war.

"We need not state to his majesty's wisdom, that force can never cure delusion; and we know his majesty's goodness too well to suppose that he could ever entertain the idea of employing force to destroy opinions by the extirpation of those who hold them.

"The grounds, upon which his majesty's ministers have advised him to refuse the renewal of some avowed public intercourse with the existing government of France, appeared to us neither justified by the reason of the thing itself, nor by the usage of nations, nor by any expediency arising from the present state of circumstances. In all negociations or discussions whatsoever, of which peace is the real object, the appearance of an amicable disposition, and of a readiness to offer and to accept of pacific explanations on both sides, is as necessary and useful to ensure success as any arguments founded on strict right. Nor can it be denied that claims or arguments of any kind, urged in hostile or haughty language, however equitable or valid in themselves, are more likely to provoke than to conciliate the opposite party. Deploring, as we have ever done, the melancholy event which has lately happened in France, it would yet have been some consolation to us to have heard that the powerful interposition of the British nation on this subject had at least been offered, although it should unfortunately have been rejected. But, instead of receiving such consolation from the conduct of his majesty's ministers, we have seen them, with extreme astonishment, employing, as an incentive to hostilities, an event, which they had made no effort to avert by negociation. This inaction they could only excuse on the principle, that the internal conduct of nations (whatever may be our opinion of its morality) was no proper ground for interposition and remonstrance from foreign states—a principle, from which it

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must still more clearly follow that such internal conduct could never be an admissible, justifying reason for war.

"We cannot refrain from observing, that such frequent allusions as have been made to an event (confessedly no ground of rupture) seemed to us to have arisen from a sinister intention to derive, from the humanity of Englishmen, popularity for measures which their deliberate judgment would have reprobated, and to influence the most virtuous sensibilities of his majesty's people into a blind and furious zeal for a war of vengeance.

"His majesty's faithful Commons, therefore, though always determined to support his majesty with vigour and cordiality in the exertions necessary for the defence of his kingdoms, yet feel that they are equally bound by their duty to his majesty, and to their fellow-subjects, to declare, in the most solemn manner, their disapprobation of the conduct of his majesty's ministers throughout the whole of these transactions—a conduct which, in their opinion, could lead to no other termination but that to which it seems to have been studiously directed, of plunging their country into an unnecessary war. The calamities of such a war must be aggravated, in the estimation of every rational mind, by reflecting on the peculiar advantages of that fortunate situation which we have so unwisely abandoned, and which not only exempted us from sharing in the distresses and afflictions of the other nations of Europe, but converted them into sources of benefit, improvement, and prosperity to this country.

"We, therefore, humbly implore his majesty's paternal goodness to listen no longer to the councils which have forced us into this unhappy war, but to embrace the earliest occasion, which his wisdom may discern, of restoring to his people the blessings of peace."

Major *Maitland* seconded the motion.

Mr. *Pitt* said, it was obvious that the substance of the address was nothing more than a repetition of those arguments which had been already brought forward in that House by gentlemen who opposed the measures of government. It was only, therefore, necessary for him to say, that he, as well as every gentleman who had concurred in the late proceedings of that House, and in giving their support, in the present crisis, to the executive government, must, of necessity, give their decided negative to the motion of the hon. gentleman.

Mr. *Drake* said, that, to this voluminous, elaborate, circuitous, address, which had been brought forward by the hon. gentleman in the way of a protest, the best answer which he could give was his decided no. To the proceedings of gentlemen on the other side of the House he had no doubt the people were nearly unanimous in uttering their no, while to the measures of ministers they joined in emphatically pronouncing their aye.

The motion was then negatived.

Debate in the Commons on bringing up the Nottingham Petition for Reform.] Mr. *R. Smith* read a Petition signed by about 2,500 inhabitants of Nottingham, stating, among other things, that as the constitution now stands, with respect to representation in parliament, the country is amused with the name of a representation of the people, when the reality is gone; that the right of election had passed away from the people almost altogether; and that thereby the confidence of the people with respect to parliament was weakened, if not destroyed. The petition, therefore, prayed the House to consider of the proper mode to effectuate a reform in parliament, and suggested, as one part of a general plan of reform, that the right of election should be in proportion to the number of adult males in the kingdom.—On the question being put for bringing up the petition,

Mr. *Pitt* said, that it was certainly extremely fair in the hon. gentleman who presented the petition to read the precise words of it to the House. It was with the House, however, to consider whether, after having heard it read, they could possibly allow it to be brought up, consistently with their own dignity. He by no means intended to say any thing as to the propriety of what was demanded in the prayer of this petition: it was his decided opinion that every class of the people had a fair right to petition for the redress of any supposed wrong, and that such petition ought to be received, whatever the House might think as to the propriety of the demand made in it; but this demand ought surely to be made in a style of respect to the House, and of reverence for the constitution. There were some passages in this petition which he thought he had heard read by the hon. gentleman that appeared to him

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highly objectionable, and, on comparing what he had heard with a printed copy of the petition, which he had got on coming into the House, he found that he had not been mistaken. The first passage he alluded to was that which stated, that the country was amused with the name of a representation of the people, when the reality was gone: the second stated that the right of the people had passed from them into other hands, and, in fact, denied both the right and power of that House as at present constituted: and the third declared, that the confidence of the people with respect to parliament was thereby weakened, if not entirely destroyed. These were expressions so disrespectful to the House, and so irreverent to the constitution, that it appeared to him impossible that the House, consistently with dignity or propriety, could allow the petition to be brought up in its present form, though he would not certainly think it right to refuse receiving any petition, whatever might be the object of its prayer, if expressed in proper and respectful terms.

Mr. *Fox* thought that the House ought not to be over nice in examining petitions presented from its constituents; it ought not to be anxious to find out disrespect, where disrespect did not too glaringly appear to have been intended. He was of opinion, that the right hon. gentleman had rather tortured the expressions of the petition, and given them a meaning, which might not have been within the contemplation of the petitioners. The passages alluded to, appeared to him to have a necessary connexion with the prayer. When they said that the people were not represented, they certainly did not mean to say that we had no constitution, and that parliament did not possess legislative authority; they said that the right of electing members had been taken from a great portion of the people, and usurped by another; or in other words, that men, who had a right so to vote, had excluded others who were as well entitled to it, and monopolized it to themselves. In this sense it would appear that they admitted the House of Commons to be elected by persons who had unquestionably a right to elect; and they complained only that they had excluded others, whose right was as good; but still it followed that the electors were legal electors, that the House was a legal House of Commons, and consequently that its acts were legal, solid, and binding. The petition construed this way, did not speak a disrespectful language; and therefore ought to be received. As to the prayer of it, "that all male adults may be admitted to exercise the right of voting," it undoubtedly appeared to the full as extravagant in his eyes as it did in those of the right hon. gentleman; but surely it ought not to be deemed a crime in the inhabitants of Nottingham, that they entertained an opinion respecting the right of voting, precisely similar to that which was publicly professed by one of the most distinguished of his majesty's ministers, he meant the duke of Richmond. He remembered, in his early political life, a debate upon a remonstrance which the city of London had presented to the king, and which the then House thought ought not to pass uncensured, on account of opinions contained in that petition, respecting the legality of the acts of the House, subsequent to its decision in the case of the Middlesex election.* He remembered, on that occasion, that some very distinguished members, particularly the late Mr. George Grenville, maintained that the right of the subject to petition any branch of the legislature was so sacred, that no expression, however extravagant or disrespectful, contained in the petition, could justify the person or body to whom it was presented, in refusing to receive it. Mr. Fox observed, that he himself considered this was giving an unwarrantable latitude to petitioners, and he for one could by no means go so far; but he quoted this case merely to show, that the House ought not to be so very nice, as to be anxious to find out a disrespectful meaning in a petition, unless it was so glaring that no one could possibly overlook or mistake it. The present petition went no such lengths as that to which he had just alluded. On these grounds it was, and not because he approved of the plan of reform pointed to in it, that he was for receiving the petition.

Mr. *Lambton* reminded the House of a case in which, though the disrespect was more glaring than in the present one, the House had not thought it a sufficient ground for refusing to receive the petition. The case to which he alluded was that of Mr. Horne Tooke, who, in his pe-

* For the Debates on the Remonstrance of the city of London to the King, see Vol. 16. p. 874.

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tition, said, that "seats for legislation were as notoriously rented as the standings for cattle at a fair."* If ever there was disrespectful language it was this, and yet the petition which contained it was received.

Mr. *Dundas* said, that in the case of Mr. Horne Tooke the House went upon the idea that, being a petition complaining of an undue return, they were bound by the act of parliament to receive it, whatever might be its contents: though even in that case he was of a different opinion.

Mr. *R. Smith* thought it his duty to state to the House, that, having observed some passages in the petition which appeared to him rather strongly expressed, he mentioned to some of the most respectable subscribers his suspicion that the House might possibly consider them as disrespectful; and it was but doing justice to them to say, that they wished to have taken out these passages, but did not well see how it could be done, from the difficulty of collecting together no less than 2,500 persons, for by so many was the petition signed; he was, however, sure that they meant nothing disrespectful to the House.

Mr. *D. P. Coke* admitted that the petition might have stated its object in better language, but he did not believe that it was such as to preclude it from being received. It stated a certain departure in the practical part of the representative system of this constitution. We all knew that there were boroughs for which the crown, and others for which certain noblemen, had the nomination, and he knew they were very honourable men and good members of that House. The House could not consistently refuse to receive this petition unless it was libellous, and if it was they ought to prosecute its authors and advisers for a libel, and upon that point he begged leave to submit a few thoughts to the House. In the first place, he admitted that if the petition was presented to a court of law, the judges might deem it to be a libel; but although formerly the mode of trying libels was to leave the fact to the jury, and the law to the judges; yet we all know that this practice was now altered, and the jury were to decide upon both law and fact. In that view, therefore, he thought it was extremely probable that a jury would acquit any person charged with a libel upon this petition. What would then be the case? Why, that the House had rejected a petition that was an innocent publication. On the other hand, if the House rejected this petition as an insult upon its dignity, it would follow, as a matter of course, that, to preserve that dignity, they ought to punish those who had offered to insult it. What then would be their situation? Why, a jury might acquit the persons so accused, and then the House would be subject to the imputation of being too tenacious of its dignity, and too inattentive to the rights of its constituents. All these inconveniences would be avoided by receiving the petition. Nor were the journals of the House without precedent upon this subject. He believed that in 1783 a petition was received much bolder and more irregular in its language than the present, where the House was stated to be a corrupt body. He believed that the petition of Mr. Tooke was also as offensive to the dignity of the House as this, or more so. He trusted the majority of the House would see the danger of appearing to contend with its constituents upon the right of petitioning, and would receive this petition. If the opposition to it was persisted in, he must take the sense of the House upon the subject.

Mr. *Ryder* was against receiving the petition, merely because it was worded in a disrespectful manner, but by no means because he meant to contest the right of the subject to petition; on the contrary, he was for giving the present petitioners an opportunity of presenting the same prayer to the House, unaccompanied with observations degrading to the House.

Mr. *Burke* observed, that with regard to the gentlemen who had signed the petition he did not consider them as criminal in any great degree: for the probability was, that the mass of them had never read it. The first question was, whether the House ought or ought not to receive it as it was? The advocates for receiving the petition had desired the House to keep its temper; in this they were very right; because they must be conscious they had taken some pains to provoke the House. The petition itself appeared to him such as that House could not receive consistently with its own dignity, for the audacity of the language was such as should not be tolerated, and the seditious tendency of the whole of it was such as might become in time dangerous if the petition was so far

* See Vol. 28, p. 922.

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honoured as to be laid on the table of that House without punishing those who had advised the presenting such a petition: the better way therefore would be not to receive the petition at all, and thereby to teach those who wished to petition that House, that they must do it in a respectful manner. This petition was only a small part of the fruit of the doctrine which had lately been propagated by certain societies, that England had no constitution. If the House suffered themselves to be thus insulted, they would soon be overpowered by a torrent of insolence running over their table, and they would be despised by the public. Perhaps, indeed, when there was only a little indecorum to be observed in a petition, the good-temper of the House might excuse it, but here indecorum was the smallest part of the offence; for it went the length of denying the authority of that House, as a representative body of the Commons of Great Britain. He knew, that in the time of lord George Gordon's turbulence, the House received as bad a petition as the present; but that was not a time to be regarded, as an example for the present. He saw no reason whatever for receiving this petition; but he perceived an infinite number against its reception. He took notice of the Society for Constitutional Information, and hinted at others, all of whom, he observed, like the present petition, went to propagate the doctrine that there was no constitution in this country; and the safety of the state required that the authors of such principles should be punished. But this was not the time to inquire into the guilt or innocence of any individual: the question now was simply, whether the petition should be received or rejected, upon which he trusted the House had no difficulty.

Mr. *Grey* agreed with the right hon. gentleman that this was not the time to debate on the prosecution of any individuals, composing this, that, or any other society, but simply whether the petition should be received or rejected. The persons composing the society to which he had alluded, and proceeding on the principles and acting from the necessity which occasioned its original formation, were persons very well known to the public, and men who had not departed, nor would depart, from the principles they originally professed. They had viewed and maturely considered the present state of the representation, and were clearly of opinion that it was not what it ought to be. Nor could the right hon. gentleman who spoke last be seriously of another. If he was, Mr. Grey said, he would refer the House to what that right hon. gentleman had himself said during the American war. When it was said, why might not America be virtually represented, as well as a great part of this country, "What," exclaimed the right hon. gentleman, "when they wish to behold the divine face of the British constitution, would you present to them its back, its shameful parts? Would you return to them the slough of our slavery as the model of their freedom?" Or if this was not sufficient, he could refer the House to the subsequent language of the present chancellor of the exchequer, before he came into office. "That it was notorious that the nabob of Arcot had seven or eight members in that House, and that they did not act upon an identity of interest with the people." After this he would appeal to the House whether they ought to be very nice in the language which they were to receive from their constituents, and he warned them against the danger of laying it down as a principle, that the members of that House were to be allowed to say what their constituents were not to be permitted to state in their petitions.

The *Master of the Rolls* opposed the receiving of the petition.

Mr. *Sheridan*, after remarking that nothing was so likely to produce ill temper in certain gentlemen, as referring to the principles they had formerly maintained, hoped the House would not imitate the example of those gentlemen. If they wished to be treated with respect by their constituents, their true course was to treat their constituents with respect. An hon. gentleman had observed, that a society lately instituted for the avowed purpose of obtaining a parliamentary reform, was, as he trusted, come to the conclusion of its labours, as he had heard nothing of it for some time past. He could assure the hon. gentleman, that the society alluded to (the Friends of the People) was neither dead nor sleeping, but in the full vigour of activity. On a former occasion, referring to the borough of Old Sarum, it had been said, that its streets were now only to be distinguished by the different colours of the corn that grew on the soil which it once occupied; and that its only manufacture was the manufacture

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of members of parliament. In the reign of queen Elizabeth, a publication was laid before the crown lawyers as treason; they answered, it was not treason, but felony, for its contents were all stolen from other publications. Just so it was with the petition; its contents were all stolen from the declarations and speeches by which the chancellor of the exchequer had originally courted popularity. It was hard indeed if expressions, that had been applauded when spoken in this House were to be deemed inadmissible when adopted by their constituents.

Colonel *Hartley* thought, that in the present circumstances, the House could not hold up their dignity too high; and was against receiving the petition.

The House divided:

Tellers.

YEAS, { Mr. Robert Smith - / Mr. Daniel Parker Coke } 21

NOES, { Mr. Ryder, - - - - / Mr. Pybus - - - - } 109

So it passed in the negative.

Mode for obtaining a due Attendance of Members.] Feb. 22. The House having resolved itself into a committee of the whole House, to consider of the means of procuring a due attendance of members on the days fixed for balloting for committees on controverted elections,

Mr. *T. Grenville* began with mentioning the respect that was due to the act, by which the matter under consideration was at present regulated, and on which he did not now intend to propose any alteration. He was sorry to be called upon to fix the attention of the committee on the absolute necessity of their taking some steps to enforce a due attendance on days fixed for ballots; several petitions, presented so long ago as the beginning of the present parliament, being still undetermined. He had no doubt that part of the inconvenience which had of late arisen from the non-attendance of members, was owing to the pressure of the times; but if so, it was the more necessary to provide an immediate remedy, both because the evil was likely to increase, and from the danger of hazarding, at this time, the interruption of public business. It was his wish to accommodate the difficulty with as little inconvenience as possible. There appeared to him only two possible remedies; either an alteration of the law, or the enforcing a due attendance. He was in hopes to be able to digest and bring forward such alterations on the present act as may be of important benefit, but as these would only operate at the commencement of a new parliament, he did not think it right to propose them till then. Besides, were they at present to alter the law, it would lead to a presumption that the execution of it was impracticable. Was it so, he would ask, on any other consideration than the want of due attendance in members of that House? And could any plan be devised, whereby the merits of controverted elections could be tried, without requiring from members much attention and attendance? He had heard, indeed, a plan mentioned of trying them by a foreign judicature, not composed of members of that House, but of that he could by no means approve: he should regret any alteration in the existing law, proceeding on a supposition of the impracticability of procuring attendance; for, with what face could they say to their constituents, that a beneficial law must be altered, because they did not do their duty? The remedy which he should propose was a call of the House. There remained, he said, on the table, eleven petitions, four of which had been presented at the beginning of the present parliament; and sorry he was that they were yet to be tried. Three of them had come in since the commencement of the parliament; and four of them were petitions respecting rights, some of which last were fixed for a late day. It was his intention, therefore, to propose, that the call of the House should be on the 6th of March, and that the two ballots which were now fixed for Tuesday and Thursday next, should be postponed till the day after the call, and that the ballots for Cricklade, Poole, and Pontefract, should be fixed for the 12th of March, by which means the pressure of the call would continue for no more than six days. He concluded with moving the following resolutions.

1. "That it is the opinion of this committee, that it is highly advisable that the House should take such steps as may conduce to the most speedy trial of the several petitions complaining of undue elections, or returns of members to serve in parliament, in order that, as far as may be, they should be tried and determined in the present session of parliament.

2. "That this House should be called over on Wednesday, the 6th day of March next.

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3. "That such members as shall not then attend, be sent for in custody of the serjeant at arms attending this House.

4. "That the several petitions complaining of an undue election and return for the borough of Shaftesbury, now ordered to be taken into consideration on Tuesday next, the 26th instant, and also, the several petitions complaining of an undue election and return for the borough of Great Grimsby, now ordered to be taken into consideration on Thursday the 28th instant, should be taken into consideration on Thursday the 7th of March next; and that the several petitions complaining of an undue election and return for the borough of Cricklade, now appointed for Tuesday the 5th of March next, and also, the several petitions complaining of an undue election and return for the borough of Poole, now appointed for Thursday the 7th of March next, should be taken into consideration on Tuesday the 12th of March next, before the consideration of the petition complaining of the Pontefract election now appointed for that day.

5. "That on the above recited days now appointed for the consideration of the several petitions above named; viz. on Thursday the 7th and on Tuesday the 12th of March next, or on any other day in this session of parliament, on which any of the above named petitions shall be ordered to be taken into consideration, and the House shall have proceeded to the appointment of a select committee for the trial of any of the above named petitions, and the names of the members shall be drawn and called for that purpose, Mr. Speaker should direct the name of every member so called, who should be absent from the House, to be set aside; and that a list should be made of the names of such absent members to be reported by Mr. Speaker to the House on next sitting day.

6. "That, upon the report of the list of the names of such absent members, the members for whose non-attendance, on the appointment of any such select committee, a sufficient excuse shall not be made and allowed by the House, should be forthwith ordered to be taken into the custody of the serjeant at arms attending this House, and should not be discharged out of custody, without the special order of the House.

7. "That the House should require, that strict proof should be given of the facts and circumstances which shall be alleged in excuse for the non-attendance of any member, on the appointment of any such select committee, as is above described."

The Earl of *Wycomb* said, he was by no means an admirer of the existing act of parliament for trying contested elections: but still he allowed it was not without merit; it was, however, not a positive, but a comparative merit; the judicature which this act established was better than that which it had abolished. But if there was any thing in it which he liked better than another, it was that it did not compel the attendance of any individual member. He himself had hitherto attended very regularly on balloting days; but it was because he was left to act as a free agent, and his attendance was regular, because it was voluntary. He judged of others by himself, and as he disliked compulsion, he presumed it was no less disagreeable to others; and therefore he considered the plan proposed as extremely objectionable.

Mr. *Fox* differed entirely from the noble lord, and rather thought the compulsion did not go far enough. He was himself one of the minority who opposed Mr. Grenville's bill; but he had now altered his opinion of it, and thought the framer merited a well-earned praise. The principal objection to it was, the stopping of public business; but it could hardly have been foreseen, that gentleman would sit in their rooms, and allow all public business to stand still, especially at so very important a crisis, and he was sorry it should have so happened. No ballot during the whole of this session, had taken place on the day for which it had been fixed, and one had been delayed so long as from Tuesday to the Monday following. He stated the great inconvenience arising from this, both with respect to public business and the interest of the private parties concerned; and said that, in his opinion, such compulsion as might enforce attendance, would be convenient for gentlemen themselves; as nothing could be more unpleasant than the uncertainty which had hitherto taken place as to the time when any business would come on. He trusted, that the alterations, which his hon. friend had intimated his intention to bring forward in the present existing law, would have the effect to prevent those evils which were now so much felt; and of which, the report the House

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had heard that day, furnished a most melancholy instance; two gentlemen had sat in the House for no less than three sessions, who had no right whatever to be there; while the real representatives were during all that time deprived of their seats. He did not wish to go into the subject of virtual representation; but what could gentlemen think of a returning officer, dividing a parliament with the electors, and having the first three years too, which is the most certain half! It was an evil of the most alarming nature: and he hoped the bill intended to be brought forward by his hon. friend, in the outset of a new parliament, would go to the insuring a determination upon all controverted elections, at the very beginning of a parliament: the public benefit would be immense; and he was certain, gentlemen would find the sitting on one committee at the beginning of a parliament, and being insured from any after trouble, to be far less burthensome than what they were at present subjected to. As to the petitions now before the House respecting rights, he was anxious that they should not go over to another session; because although in any other view, the speedy determination of them was not of so urgent importance, as of the petitions complaining of returns, yet they were an equal interruption to business. As to what had been hinted of the idea of a foreign judicature having cognizance in such cases, he highly disapproved of it, as it was entirely in opposition to all the old and fundamental principles of the constitution. The decisions of the election committees were all reported, and he believed there was hardly ever any court of justice, where, among so many decided cases, so little injustice had been done.

The *Speaker* said, that a great variety of evils arose from the delay of deciding upon controverted elections, and from the non-attendance of members on days fixed for ballots, and he trusted that, on the present occasion, there would not be much difference of opinion. To every one who felt for the honour of that House, it would be a melancholy reflection, that a returning officer might give a seat there for a period of three years. There surely must be a wish in every gentleman to produce an early and effectual remedy. If the ballots had been made on the days fixed for them, all the petitions would have been discussed. The loss arising to private parties was very great, but the interruption of public business was the most important consideration. He believed the want of attendance was occasioned by the pressure of the times, particularly as regarded those members who are officers in the navy, army, or militia; but it became the more necessary to procure the attendance of those who had no excuse. Rigorous measures were always invidious, but, to such extent as appeared to him necessary, they should have his support in this case. A call of the House was a measure, frequently adopted, and he thought there could hardly be a cause for it of more importance than what now occurred. He felt a considerable degree of gratitude to the hon. gentleman who had moved the resolutions, and from whom the proposition came with peculiar propriety; and he hoped, when any alteration, with respect to the regulation of Mr. Grenville's act, should be brought forward, that idea of the right hon. gentleman who spoke last as to an early determination of controverted elections, would be the regulating principle of the new measure. He thought the present temporary expedient absolutely necessary, as the prospect of voluntary attendance was lessening every day. With respect to gentlemen in the navy, army, and militia, the season for actual service was approaching, and gentlemen of another profession would be going to attend the assizes.

Mr. *Pitt* observed, that many members who were in the navy, army, or militia, were at that moment absent on public service; on pleading that circumstance after the 7th of March, as the cause of their absence on that day, the House would, no doubt, admit the excuse as fully sufficient; he wished therefore that they might be permitted to plead it before the 7th, and state, as the reason, why they could not attend on that day. This would save them the trouble of coming to town to avoid being taken into custody, and prevent that inconvenience to the public service which would arise from their absence from military duty. The same, he observed, would apply to gentlemen who were to serve on grand juries, and whose presence in their respective counties would be absolutely necessary to the police of their districts, and the administration of justice.

The resolutions were agreed to by the committee. On being reported, the House agreed to the first four. The other resolutions were ordered to be taken into

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consideration on the 25th. When they were agreed to, with an amendment allowing members to make excuses previous to the call.

Debate on Mr. M. A. Taylor's Motion respecting Barracks.] Feb. 22. Mr. *M. A. Taylor* rose and said, he was aware that scarce any motions could gentlemen on his side of the House make, to which the epithets of factious and seditious might not, and had not been indiscriminately applied; he would not, however, now embark in a discussion of this kind. In what he was now going to say, he could not be called the advocate of France, he should be in truth the advocate of Englishmen. The question was precisely this, whether in the very heart and body of the country, a large standing army was to be kept up, and in a way totally unusual, as well as highly alarming? He should not think it necessary to go into any argument, as to standing armies in general. It must, however, be admitted, that in no free country could a large standing army be kept up, without danger to liberty. History afforded innumerable instances of states being modelled by armies; in this country, the same army which raised Cromwell to the Protectorate, restored Charles the 2nd. Those distinguished characters who led the glorious revolution, thought it necessary to establish, by the declaration of rights, that no standing army should be kept up without consent of parliament; and, were the case otherwise, the doors of this House might as well be shut up; it was not, however, without much difficulty, that they got William 3d. to disband his forces. With regard to the peace establishment in this country, it had continued nearly the same during the present reign; but it had increased much since the time of queen Anne: it now amounted to 18,000 men, which appeared to him much too large, and it would be still much more alarming, if the proposition he was about to make should not be agreed to. He had great fears too, that this was not all the peace establishment which was intended to be kept up; for he observed, in a circular letter from the secretary at war to the officers who had been appointed to raise independent companies, that these officers were ordered to go on and compleat their companies, which seemed to give much reason for apprehending an increased peace establishment.

Four arguments he understood to be brought forward in favour of the army. The first was, that great trust ought to be put in the officers. In answer to this he would say, that however much he respected the character of British officers, and no man did more, yet he could not help entertaining a jealousy that their being so very much dependant on the crown might render them too much attached to it. He was himself constitutionally attached to the crown as much as any man. But as officers were not only dependant on the crown with respect to promotion, but were liable to be dismissed from the service by its bare *fiat*, without being allowed a trial by court-martial, which right of the crown had been lately exercised on account of bare speculative opinions alone, it was but a fair conclusion to draw, from the nature of man, that they may probably be too much attached to the crown: and even, whatever there might be in this, he would go much farther, and would say plainly, that he would trust no man. It was said, in the second place, that the mutiny bill was passed every year, and he was glad of it. During the continuance of war, it would surely be far from his wish, that any alterations should be made in that act; but he hoped, on the return of peace, it would be accurately revised and amended, for it appeared to him to have been very hastily and incorrectly penned; which opinion judge Blackstone had strongly expressed. In the third place it was said, that the army was only voted for a year: but how did these votes pass now? Formerly the secretary at war, on bringing forward the vote of the army, thought it always necessary to make a speech of some length, stating the particular grounds which rendered the vote necessary; but, now, it generally passed altogether as a matter of course. The fourth argument, with respect to the army, related to the question now before the House. In truth, the connexion between the soldier and the citizen had been the reason why a standing army had been permitted to exist in this kingdom. Mr. Taylor here alluded to the opinions of Mr. Harley and Mr. Pulteney, who expressed, in the strongest possible language, their ideas of the danger that must arise to the constitution and to liberty, from quartering soldiers in barracks, and dissolving or lessening their connexion with the body of the people. But those two great men might perhaps

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be considered to have been patriots like himself, and of course be little regarded. He would beg leave, therefore, to appeal to Mr. Pelham, against whom the same objection could not possibly lie, if the title of patriot was to be appropriated to those alone, in opposition to the government of the day: and Mr. Pelham's opinion, which he read to the House, was not less decisive on this subject. These were surely good authorities. He would mention another opinion given by lord Gage in 1749, which went a great deal farther than he meant to carry the argument. Speaking against the augmentation of the troops, lord Gage said that one thing (meaning the quartering soldiers in barracks, and cutting off their connexion with the people) he considered as of all others the most fatal, and that it would give the finishing stroke to liberty. "If this," said lord Gage, "should ever be attempted, it would become the duty of the people to draw their swords, as the last effort for liberty, and never to sheath them, till they had brought the authors and contrivers of the measure to condign punishment."* He could not pass over another writer, famous for his sound judgment, as well as for his candour and humanity, in treating of military subjects, he meant judge Blackstone, who says that "the soldiers should live intermixed with the people; no separate camp, no barracks, no inland fortresses should be allowed."

In the argument which he was now maintaining, he had on his side the ancient and rooted prejudices of the people as well as the reason of the thing itself, and all the weight of the high authorities he had mentioned. What did he meet opposed to these? Nothing, but a set of new-fangled opinions. First, it is alleged that it is a great hardship on inn-keepers to quarter soldiers on them. He believed it might, and that they thought it so; but for what reason? Because the price paid for hay and straw has not been raised for many years. If part of the large sums expended on building barracks, were applied towards a reasonable increase of the price paid for hay and straw, the inn-keepers would be glad to have them. 2dly, Barracks are said to be necessary, to keep the minds of the soldiers, at the present moment, from being prejudiced and poisoned: but the experience of ages has evinced, that no walls are high enough to keep out opinions. Officers, however, may perhaps say, that, in barracks better discipline can be preserved: much rather would he wish to see the army placed on constitutional ground; were it even attended with a little relaxation, from the most rigid discipline: but, in point of fact, are not the army out of barracks, well disciplined? But these arguments, however strong, were neither the only ones on his side of the question, nor were they those which, in this case, pressed most forcibly upon his mind. For the whole system of ministers showed an evident preconcerted design to curb and overawe the people by the bayonet and the sword, instead of applying, if necessary, the wholesome correction of the laws of England; and this, in his conscience, he believed to be their intention. Barracks are said to have done no hurt hitherto; but they have been only erected in seaports, and he believed in some places about London and Westminster. So far indeed as his information went, it led him to believe, that the discipline of soldiers in barracks, was worse than when out of barracks. At Chatham, where he occasionally went, he understood that no farther back than about three weeks since, the soldiers there had behaved so riotously and improperly that the commanding officer, on a representation from the inhabitants, had found it necessary to forbid them the use of side arms. Mr. Taylor confessed he was much alarmed; but he was told that there is no danger, because the right hon. gentleman opposite to him was a constitutional minister, and he had certainly made many elaborate declarations on the beauties of the constitution. He could not, however, help considering the maxim to be equally just in politics as in religion, that "by their deeds you shall know them." If he saw the excise laws extended, could he help thinking it a little degradation from the cause of general liberty? Since the vote of that House some years ago, "That the influence of the crown had increased, is increasing, and ought to be diminished," that influence had alarmingly increased: we were now going altogether from liberty: we had engaged in a war for the support of despotism: men had been dismissed from the service of the crown, on account of abstract speculative opinions: associations had been formed on the most dangerous and unlawful principles, and

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* See Vol. 11, p. 984.

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for the worst purposes. We were going from the standard of the constitution to the standard of the crown. If we went to church to perform the sacred duties of religion, we heard a canting priest talking of passive obedience and divine right. Doctrines thus preached by a supple clergy, might, be enforced by a complaisant army, and thus the liberties of England might be destroyed through the want of that salutary jealousy which made the people, in former times, adverse to a standing army, and still more so to a system of barrack building, which would estrange the soldiers from the subjects, and make the former look upon the latter as enemies.

He was not inclined to enter into any argument with respect to the king's right in virtue of his prerogative, of erecting barracks; but, before proceeding to erect them, it was undoubtedly the duty of ministers to have informed the House of their intention to do so, and of the reasons which induced them to think it a measure either prudent or necessary. It had been the uniform desire of the right hon. gentleman (Mr. Pitt) to lower the spirit of inquiry in that House; all he thought proper to ask of them was, to pay for what was already done; but they must not inquire the reason for which it was done. In the present instance, the ground intended for the purpose was purchased, and the barracks erected in summer, and the right hon. gentleman endeavoured to smuggle them through the House. This appeared to him to be a great constitutional question: and he thought it highly dangerous, that barracks should be erected entirely at the pleasure of the crown. He concluded with moving, "That the uniform and persevering opposition given by our ancestors to every attempt to erect barracks in this country, was founded upon a just understanding of the true principles of our free and excellent constitution; and that this opposition has been justified and supported by high political and legal authority, whose recorded opinion is, 'That in time of peace the 'soldier should live intermixed with the 'people, that no separate camp, no barracks, no inland fortresses, should be 'allowed; and that a circulation should 'be thus kept up between the army and 'the people, and the citizen and the 'soldier be intimately connected toge-'ther.'"*

* Blackstone's Commentaries, 414.

The *Secretary at War* said, that at the time that jealousy had been shown in this country of a standing force, there had prevailed a much greater alarm than at present of the consequences with which such a force might be attended. If there was now any cause for jealousy, the House had to consider whether it was sanctioned by any want of care or wisdom on their part. There were one or two expressions which had fallen from the hon. gentleman, to which he must advert, and which respected a body of men, whom he must always honour, and to whose character he considered himself as bound upon every occasion to do justice. These were the officers of the army, whom the hon. gentleman had described as more immediately dependant upon the crown, to which they looked for their promotion. But why were they to be considered exclusively in this light? Did not officers of the navy look to the crown for promotion? Did not gentlemen of the law likewise look for promotion to the same quarter? Why, then, were officers of the army to be represented as more immediately dependant upon the crown, a reproach which he must consider as equally illiberal and unfounded. The hon. gentleman had said, that he spoke to the prejudices and jealousies of the British nation: this certainly was the case; he spoke to the prejudices and jealousies of former times, but not to prejudices and jealousies which now existed. The measure which had been adopted of erecting barracks was necessary to the security of the kingdom. He regretted, that of late years in several instances the civil power had not been able to exercise its authority without calling in the aid of the military. This was particularly the case at the present time. It was necessary, therefore, to have the soldiers so disposed of, that they could speedily be called together, and be ready to act with most effect. After all, what had by the hon. gentleman sometimes been called barracks and sometimes fortresses, were in a great many places only stables for putting up the horses. Those places in which troops had been stationed, so far from feeling the alarm and jealousy which had been described by the hon. gentleman, were, on the contrary, actuated by very different sentiments, and had expressed themselves highly satisfied with this salutary precaution, and the provision which was thereby made for their tranquillity and security.

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Mr. *Minchin* saw no danger in the measure which had been so much objected to by the hon. mover. He thought it, on the contrary, attended with many advantages. And first it relieved a certain description of men from a grievous tax, which, during last war, had been so very oppressive, that several publicans had given up their licences. It was likewise a measure very favourable to the exact observance of discipline; for though soldiers were at stated hours obliged to retire to their quarters, yet when they were quartered in a public house, this regulation could not be enforced; for when the officers went to bed, the soldiers might take the opportunity to leave their quarters, and might be engaged in riots or mischiefs, which there were no means of discovering or preventing. But this could not occur in barracks, which were equally conducive to the health and morals of the troops lodged in them. In public houses the soldiers were continually exposed to the temptation of expending that pay which might procure them solid nourishment, for liquors, equally pernicious to their constitution and morals. With respect to the utility of barracks, he referred to the example of Ireland, where they had been always in use, and where so much were their beneficial effects experienced, that those towns where they were not erected, even made application for them.

Major *Maitland* said, that he waited patiently for some time to hear the two hon. gentlemen who had defended the system of barracks, because he had a curiosity to hear on what ground it was that a plan so new could be supported. But after all that he had heard, he was more at a loss to form an opinion than he was before he had heard them. If the measure itself was offensive, the mode by which that measure was to be carried on was not less so. It was a system which was dangerous in itself, for it compelled all its objects to look to the king only, instead of looking to all the three branches of the legislature. How did they apply this observation? Was not his majesty to have the direction of all his army? Most certainly he was: but this was not the whole of the case; for it was well known to the House, that last session his majesty had allowed an additional sum of money for the payment of the army, without consulting that House. This, under the qualification he had given already, he said, was irregular, however ministers had thought fit to advise his majesty to do so. It was their system to act in a manner independent of that House, and to render its function as nominal as possible. This step was part of that system. Another part of the same system was, that of the measure now under consideration, the building of barracks; this might be called a sort of punishment, and he feared the soldiers would see and feel in that manner. The building of the barracks ought to have been submitted, and the whole plan of it laid before the House, because as the money was to come out of the pockets of their constituents, the members of that House were the only persons fit to judge of the propriety or impropriety of the measure; and they were the only persons who had, by the constitution a right to decide upon the subject. But ministers had no respect for the constitution in this respect; they undertook to do any thing they pleased, and afterwards came to parliament to call upon them to pay the expense of it.—Thus far he had spoken of the mode, and objected to it; he had still more objection to the measure itself. As to the point taken notice of in the opening of this subject by his hon. friend, that the officers of the army being more connected with the crown, were therefore more jealously to be regarded. On this point he differed from his hon. friend; for he was sure, that if the crown did but act properly with them, there never would be any occasion to say any thing against the public principles of the army. If the contrary should be the case, and the hour should come when military merit should be totally disregarded, and the army should feel that impression, and know by experience that government attended to private interest in the disposition of all its promotions in the army (as of late there was too much reason to complain), dreadful indeed would be the situation of the country. If it should be once felt as a general principle, that those who had bled in the field, and endured all the hardships of a military life for years were to be neglected, and that others were to be advanced who had no military merit, for no reason assigned, but for well understood reasons, which it was not convenient to avow, then he would say that this country might be in danger. With regard to the mutiny bill, on which the whole of the military authority of this country depended, he must allow that it imposed some degree

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of slavery on the soldiers, but not an iota more than was absolutely requisite for the purposes of military discipline.—As to the argument, that the situation of this country was such, as to justify the civil officers to call in the assistance of the military, nay, that such assistance had been often wanted, this was of a piece with the other part of the conduct of ministers; for they had already endeavoured to spread sham alarms throughout every part of the kingdom, of sedition, insurrections, and rebellions; and this they did, that they might with the greater ease plunge this country into a war; but he called upon the officers of the crown to state any of these seditions, or disposition to rebellion, in this country, or the necessity there was for calling forth the alarm of the people at large upon the subject.—With respect to our having our military in barracks, he granted, that if ministers could state any necessity, the measure ought to be adopted, because there were, in certain cases, some advantages to be derived from that mode of keeping the military in readiness; but we must likewise remember the disadvantages to which that mode subjected us, and therefore, before parliament should sanction the measure, great attention should be paid to it. As to the point of mere discipline, he did not think that barracks were necessary; he was, indeed, of a contrary opinion; and the idea of taking the army away from the mass of the people, for the sake of improving their health and morals, he could not accede to. Indeed, no man could pay too high a compliment to the character of the British army; he believed that in truth they were superior to any other upon earth; and why? Because they stood upon a different footing from all other soldiers in the world; because they were deeply interested in the country for which they were enlisted; because not one of them was a soldier merely, but united the two characters of citizen and soldier. But if they were to be put into barracks, that would tend to take away from them the most valuable part of their character, that of citizen. He concluded with giving his hearty assent to the motion.

Lord *Beauchamp* observed, that it appeared rather extraordinary to him that the present occasion should be taken to object to barracks, at a time when there was nothing before the House to lead to that inquiry. They had not any estimate upon the table relative to the expense, and why should the hon. gentleman enter into the discussion of the subject before the House were at all acquainted with the extent of these barracks? The hon. mover had said, in order to give colour to his observation, that the building of barracks, as it was now to be carried on, was a new system, and that the doctrine of its necessity in this country was new; whereas the plan of building barracks had been known, and barracks had been erected many years ago. This was not the first time when the discussion of barrack building had taken place; and it had on these occasions been invariably determined, that his majesty had the unquestionable right of taking it upon himself; and he believed there was not an instance in which it had been necessary to come to that House for its previous approbation. His lordship then said, that in his opinion, it was no objection, in such a country as this, that a thing of this sort was new; for there was no country, in his opinion, which could be stationary in its politics. But he did not admit, that, in point of fact, this was a deviation in policy from the ancient system of this country; besides, if other countries changed their system of policy, it was necessary that Great Britain should do the same. As to the situation of this country in the time of king William, and the difficulty that prince had to keep up his army, owing to the jealousy the people of this country had against standing armies, the House would recollect, that then all the monarchs of Europe were desirous to emulate Louis 14th in keeping up large standing armies, and, that king William was a foreign prince, and therefore it was natural that there should have been a degree of jealousy, under such circumstances, at that time. A great part of the same policy and jealousy prevailed in the time of the two first princes of the present family, and yet without a considerable standing army the people of this country must have fallen. If barracks were not to be erected, what would be the situation of the large manufacturing towns? If dragoons were not collected easily, did the House imagine that the mischief that might be intended to be done by rioters could be avoided. If the military were quartered in different public houses at a distance from each other, and if measures to prevent riots were not taken in a very early stage of them, they might become too strong to be prevented at all?

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He referred to the riots at Birmingham, in which a scene of plunder and mischief was known to have taken place, and he believed that, considering the disposition of the people there, if troops of dragoons had been in barracks in the neighbourhood, whatever might have been intended, it would not have happened as it did.—With regard to the disposition of the people in general, he did not believe that any considerable objections would be made to these barracks. In Warwickshire, where he resided, the inhabitants were perfectly satisfied with the plan. Besides, this was part of the policy of a state, in pursuing of which he saw not the smallest danger. There were no general rules of policy that might not require alteration from circumstances; and that was the view in which he saw the present measure. Indeed, he saw abundance of reason for the present measure. When the standing army of France was placed on a very different footing from any that ever was before known in that country, and depended on principles entirely democratical, should we not put the British army upon another footing from what they had been? He maintained that we should. He believed, indeed, that the British army was now what it always had been, brave, loyal, and attached to the constitution of this country. He did not believe that they were now, or that they ever had been infected with republican notions, at least ever since the time of Cromwell. God forbid they should! But soldiers were but men; and when we knew that such pains had been taken to corrupt them—when we knew that the very institution of Sunday schools had been made use of for that purpose—when we knew that Paine's book had been so industriously distributed amongst them—when we knew that, if barracks were not erected, soldiers would be quartered in the lowest and the most infamous public houses, where their principles would be every day attacked, and their manners contaminated by the most vile associates—it was proper that some measure should be taken, and he knew of none better than the present, as well to avoid those evils as to prevent a disposition of mutiny. As there was no clamour in the country against this measure, he must regard it as in all respects proper, and therefore he would oppose the motion.

Mr. *Courtenay* said, he had listened with all the attention and deference which he thought it his duty to do to the noble lord and to the hon. gentleman who had preceded him, and neither of them had advanced any thing that had convinced him of the impropriety of the motion. The noble lord indeed, had said, that the motion was out of time, because no estimate of the expense, or plan of the extent of the barracks in question, had as yet been laid before the House. This seemed to him to be an Irish mode of arguing, for it went to establish it as a principle, that we were to have the barracks first, and then to have the estimate of the expense, and plan of the extent of them. This was certainly a new mode of allowing the House of Commons to judge of the propriety of the measures of government! The next point that came from the noble lord was, that politics in this country were not to be stationary, in which he had the honour to concur with his lordship; for he found that politics were not to be stationary with men, nor were men to be stationary in politics. At most, the only point on which they were so was, that they sat with him and his hon. friends on that side of the House: this, however, was excusable, for the other side was already too much crowded.—With regard to the necessity of these barracks, as the noble lord had not given a satisfactory reason for their being erected, he was constrained to seek it from another quarter, and it had occurred to him that these buildings were to be regarded as a sort of military nunnery to preserve the chastity of our soldiers, and that it was thought that they ought to be strongly locked up, and that they were only to look through gates and iron bars. Here being some murmurs, Mr. Courtenay observed, there was no indelicacy in his intention, for he had taken the thought of a very celebrated and chaste English poet, John Dryden, into whose works he had lately looked, and where he found a passage applicable to the advantages of these barracks to the soldiers:

> "For it is of a nature so subtle,
> That, unless it is guarded with care,
> The odour will fly through the bottle,
> And the spirit impregnate the air."

He was of that opinion; and he could wish that the noble lord was in such a situation as to propose something that would preserve our soldiers in the barracks from corruption. The noble lord, however, had tarnished the character of the army, by supposing that a soldier could

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be corrupted by the principles to which he had alluded. But it had been farther observed, that French principles would contaminate our army, if left out in different quarters, and therefore barracks became necessary, and the reasoning ran thus:—that they had already corrupted the citizens, and therefore it became necessary to take care of the soldiers. To this he objected, because he conceived it to be introducing an insidious distinction between a citizen and a soldier in this country, a thing at all events to be avoided, because it was on the union of the two characters that every thing excellent in our military depended. As to what had been said on barracks, and the propriety of erecting them, and that the soldiers would not murmur at it, he knew the nature of barracks a great deal too well to assent to such doctrine; he knew that soldiers regarded the living in barracks as a thing to be avoided, if possible; they knew well enough the hardships they endured, and regarded it as an invidious distinction to be in barracks, when they compared their situation with that of those who were out of barracks; and he knew too that a British soldier did not like that a distinction should be made between him and his brother soldier: this would create animosity between the soldiers, for it was the nature of mankind to hate those who were in a better situation than themselves, when they were sure there was no reason to regard them as inferior to the objects of favour. Montesquieu had said, "that so jealous are the people of England of standing armies, that they are only voted from year to year; but they never suffer men to lay in barracks, because that would be making a distinction between citizens and soldiers, by separating soldiers from the mass of the people, and accustoming soldiers to consider themselves as a distinct body, they would thereby be the more readily brought to act against the people."—But the army of France, it seemed, were democratical, and therefore a different system was to be adopted with respect to our soldiers. What was to be understood by this? Was it that the army of England was to support despotism, and that for that purpose barracks were to be erected all over the kingdon? He then enumerated the effects of barracks, both as to their internal management, and the effect they might produce in the country, and the manner in which they might perhaps be employed; first, to overawe the people, and afterwards finally destroy their freedom.

Lord *Mulgrave* paid the highest compliments to the character of the British soldiers, and expressed his astonishment, that it should once have been thought that they would consider their being in barracks as a punishment, when they knew that it was part of their duty to submit to it as military characters. He knew they would submit without a murmur to what they had undertaken on their entering into the service. He expressed his astonishment, that the mutiny act should be deemed as fastening any slavery on a soldier; it was an act that formed a material part of the constitution of this country, and was absolutely necessary for the well being of the state.

Mr. *Burdon* said, that as a magistrate, he had felt the want of barracks last summer in the part of the country where he resided. In corporate towns, where there was a more regular and efficient police, tumult and insurrection might be prevented by the civil power, but in towns of a different description, which had become populous by trade or manufacture, the aid of the military was often necessary: and magistrates being unwilling to send for troops till the last necessity, because the people on whom they were to be quartered, thought them a burthen, mischief was sometimes done that might have been prevented. In all such places barracks would obviate the difficulty. He was therefore against the motion.

Sir *George Howard* reprobated the bringing forward of questions day by day reflecting on the conduct of ministers, at a time like the present. Some gentlemen seemed to wish, that ministers had been withheld from going to war with France, when, from the conduct of France, it was evident, that war could not be avoided. The time was such as to call upon every man to exert himself in support of a constitution which had existed unchanged for one hundred years, and he could not but express his abhorrence of motions made on such an occasion, that tended only to embarrass ministers, and weaken the public confidence in their integrity. Of Mr. Pulteney, whose opinion had been quoted, he would mention an anecdote. In sir Robert Walpole's administration, when a message from the king informed the House, that Spain had declared war against England, Mr. Pulteney said, that whatever might be his opinion of minis-

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ters he should hold himself unworthy of a seat in that House if he did not join heart and hand in enabling them to oppose the common enemy. He wished the same declaration had been made by opposition on the war with France. He firmly believed that for two years past a regular systematic plan had been pursuing by persons in this country in concert with persons in France, to produce the greatest mischief that this country could sustain. But the great majority of the people, if they could be polled from East to West, and from North to South, would be found firmly attached to the constitution of their ancestors. They had yet religion among them. They had not declared themselves Atheists. Such arguments had been held in the House of Commons as might have been expected to be used if five or six members of the French Convention had been admitted to the bar to plead the cause of France. He could not be ignorant of the disposition of the army, in which his whole life had been spent. He had served nine campaigns abroad, and must know something of those who served with him. He could not admit that officers of the army were more to be suspected of undue attachment to the crown than any other description of men. Both officers and privates were zealously attached to the constitution. He concluded with again deprecating the agitation of questions, tending to lessen public confidence in ministers. Let them now be supported in defending the country, and when the proper time came, let them be impeached if they had acted wrong.

Mr. *Fox* said, that all his respect for the hon. general, could not prevent him fom saying, that the advice he had just given, if the House were to follow it, would prove a complete suspension of the most valuable functions of that constitution which he was so anxious to defend. If, when the country was brought into danger, they were to say, that they would agitate no questions but what ministers chose to agitate, that they were in no instance to examine their conduct, but to commit the whole management of public affairs implicitly into their hands, they would betray the trust which their constituents had reposed in them, they would relinquish the most imperious of their duties, namely, that of watching, and, when necessary, controlling the servants of the executive power, and the practice of our government would be any thing but what it had formerly been, and what he hoped it would long continue. His hon. friend was not to be blamed for the motion he had made. It arose out of the conduct of ministers; and to that conduct, not to the mover of it, was it to be imputed. He had as high an opinion of the integrity, the honour, and principles of the officers of the British army, as the hon. general; but he would not pay them a compliment at the expense of the constitution; he would not sacrifice to them that jealousy, which it was the duty of the House of Commons to entertain of every set of men so immediately connected with the crown. To the crown they must look for promotion; by the crown they might be dismissed from their profession without any cause assigned; and to the crown they must be attached in different degrees from men on whom similar motives did not operate. This attachment arose from the situation in which they were placed, it applied to them collectively as a body, and was no disparagement whatever to any of them as individuals. To the crown it was said lawyers must look for promotion; the crown could give and take away silk gowns, but the crown could neither give nor take away the fair emoluments of a man's abilities in his profession. The silk gown would bring but few, if any clients, and as few would the loss of it take from the barrister of reputation. The hon. general had said, that he had served nine campaigns abroad, and (what the hon. general would not say) with great honour to himself and advantage to his country. Now, after all his campaigns, and the very considerable emoluments with which they had been rewarded, would the hon. general say that his majesty might not dismiss him from all those emoluments, for no reason but because he happened to differ in political opinion from his ministers, were such a difference ever to take place? If he could not say so, then it was clear that they were held at the pleasure of the king and his ministers, and that such being the situation of all military officers, they were fit and necessary objects of the jealousy and vigilance of the House of Commons; as were, indeed, in a greater or less degree, all persons whatever employed by the crown. Late events had added much to his jealousy in this respect. They had seen officers dismissed without any reason assigned or assignable, except theoretical opinions, which they

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were supposed to entertain. These officers had been allowed to receive the price of their commissions. But, was it nothing to be turned ont of their profession, on which they had founded all the hopes of their future fortune? Besides, they might not have been allowed to sell, if his majesty's ministers had thought fit so to advise him, and therefore all the officers of the army knew, that they were so far completely at the mercy of the crown and that men who had shed their blood in the service of their country might be deprived, not only of their rank and their hopes, but of the money with which they had originally purchased their commissions.

While ministers and their friends were praising the constitution, and deprecating innovation, they themselves were introducing a system for the disposition of a standing army, which had been always held incompatible with the safety of public liberty, and always opposed. Was the argument of innovation always to lead one way? When any reform of the abuses of the constitution was suggested, was it to be ever reprobated? When to repair any breach that time had made in the fabric, when to reform any existing abuse in the practice of the constitution was proposed, their answer was, "What! will you meddle with the constitution at such a season as this: will you endanger the whole for the sake of a part, that may safely wait for a remedy till a more convenient opportunity? When they themselves proposed not reform, but innovation, the answer was the same, "Consider the occasion; will you oppose a measure which the time loudly calls for?" There was not now, it was said, the same reason for being afraid of a standing army, as when William 3rd, a foreigner, was on the throne — an absurd argument in his opinion; but admitting it to have any weight, were we to give up the principles of our constitution, and a most leading one was the jealousy of a standing army, because the king was a native? On his majesty's accession, it had, indeed, been insinuated, that the constitution, at least in practice, was to be very different from what it had formerly been; a doctrine for which he could never see any reason, and which he hoped never to hear revived. Was there not as much reason to be afraid of barracks now as in the year 1740? Was there more cause for jealousy of a standing army, when we were menaced from abroad, and dreaded the invasion of a pretender to the throne? Yet, at that period, the two leading men, Mr. Pulteney and Mr. Pelham, one of whom supported, and the other opposed Sir Robert Walpole, both united in reprobating the system of erecting barracks, as unconstitutional and inimical to the rights of the people. And they said well; for the mixing the soldiers with the people, by which they imbibed the same principles and the same sentiments, was the best security of the constitution against the danger of a standing army.

But, it was said the soldiers could not mix with the better sort of people to learn their political opinions. It was quite sufficient if they were on a par in their opinions of the constitution with men in the same ranks of society from which they had been originally taken. But, supposing that there were any force in this argument, would confining them apart in barracks give them access to better conversation and better opinions? It was entirely new to say, that the military was necessary to the execution of the civil power. The constitution acknowledged no such auxiliary. For the exercise of the civil power, the means were always in force; and the very preamble to the annual mutiny bill, which some people considered as bombastic, expressly stated, that a standing army, in time of peace, without the consent of parliament, was against law. If magistrates neglected to call in the military when their assistance was necessary, they did not do their duty. If there were places where the existing police was insufficient, let means be tried to remedy the defect, but let it not be pleaded as a reason for keeping up a military force; for of all sorts of police, a military police was the most repugnant to the spirit and the letter of our government, and ought to be the last that ever parliament should adopt. It was not true that the building of barracks was acceptable to all the country. There were places where it was considered, not as a benefit, but a grievance. It might be that publicans were glad to be relieved from having troops quartered upon them, but that proved nothing; and if they were all of the same opinion, they ought not to be allowed to sell their permanent security for a temporary convenience.

There were various instances of something like a design on the part of ministers to teach the army to look solely to the crown, without regard to the House

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of Commons. One of these was the increase of the soldiers pay last year, without first consulting parliament, and before parliament had met; an increase which the king had no authority to give till voted by the House of Commons. The king had the sole command of the army. Why? Because it was given him by the House of Commons; but it was their exclusive privilege to say whether or not there should be any army, what its number, and what its pay. He was still old fashioned enough in his notions of government to dread a standing army, and to think that the conduct of it could not be watched with too much caution. He did not clearly understand the argument of the noble lord near him (Beauchamp), who seemed to say, that the standing army of Louis 14th. was the ground of our ancient jealousy of a standing army, and that as France had now an army of another kind, of which she was not jealous, we, as matter of ton, should be no longer jealous of ours. Wishing always to speak with the utmost respect of his majesty, and applying his censure of measures only to his ministers, he would not pay him so absurd a compliment as to say, that the constitution was more secure under him than under his two august progenitors. What motive could then be assigned for being less jealous of a standing army now, than in former reigns? Looking back to the conduct of sir Robert Walpole as a minister, whatever might be his faults, no man would now accuse him of having ever entertained the thought of trenching on the constitution by means of the army; yet the utmost jealousy of a standing army had subsisted during his administration. Were our present ministers more constitutional than the ministers of those times? Were they more to be relied upon than the men who had a principle share in settling the constitution at the revolution, and were consequently attached to it from opinion, from honour, and from affection? Were they fitter to be trusted than some of the noble lord's ancestors, who made part of the administration at the period alluded to? Had he in his new zeal to support them, discovered that the manner in which they came into power was better, or their respect for the opinion of the House of Commons greater? He could discover no ground for the noble lord's giving to the present ministers a superior degree of confidence, unless, perhaps, that hope was a stronger principle than gratitude. While we professed to adhere to the constitution, as transmitted to us by our ancestors, we ought also to adhere to the maxims on which they exercised it, one of which was, never to allow the army to become a distinct set of men from the mass of the people, by being separated from the people in barracks.

Next came the argument, that the measures of ministers were not to be questioned, because we are at war. Mr. Pulteney he had never considered as his political model, although he had done on the present occasion what Mr. Pulteney did on the declaration of war against Spain—given his support to government in the measures necessary for carrying on the war. But, did Mr. Pulteney, when he made that declaration, tie himself up from inquiring into the particular acts of ministers? So far from it, that whoever would take the trouble of looking into the journals, would see that the opposition of that time, with more industry and much more success than the present opposition, had brought forward motions of censure on the minister, and divided the House on them.— They said then, as he and his friends said now, "We will support the minister against the foreign enemy, but we will not support him against Great Britain." This erecting of barracks was not a measure of war, but a measure of peace, for it was undertaken before ministers began to talk of war, and it affected this country, and no other. From the whole of their conduct there was at least as good ground to suspect them of improper designs as any that the hon. general had mentioned for suspecting him, and those who acted with him. In one point he differed from his hon. friend who made the motion. When the money for the expense of these barracks came to be voted, he should oppose it. He knew he should be told, that the expense was already incurred, and that it would be hard to refuse payment to men who had given their property or their labour on the faith of administration. This was a difficulty which the practice of ministers, in incuring expenses without the sanction of parliament, rendered frequent; but difficult and ungracious as it was to refuse to pay, he would prefer doing that to betraying the constitution. If they felt any respect for the Commons, if any for the people whom they represented, they would take care that the people should be free, not

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in form but in substance, and that such innovations on their ancient maxims, or, if they chose to call them so, their ancient prejudices, were not attempted till their representatives were consulted. He wished not to revive the subjects which the House had already debated; but surely, if the whole country had been alarmed on points still disputable, it was not being too delicate to feel alarm on such a measure as that now in debate, unless they could persuade themselves that a seditious pamphlet was pregnant with every possible danger, but a standing army perfectly harmless. He knew not whether the House had lost its former jealousy of a standing army; he knew not whether the people had lost theirs; but if they had, it was the duty of their representatives to endeavour to revive it; and he should therefore vote for the motion.

Mr. *Pitt* said, that, not wishing to detain the House, he would compress what he had to say into as small a compass as possible. He thought it necessary, nevertheless, to enter shortly into the collateral subjects that had crept into discussion, although he considered them foreign to the substantial part of the business before the House. He said, he would not take upon him to dictate, what degree of opposition, or what degree of support, the members of that House owed to administration: every gentleman was himself to judge of the rules that should govern him, and should from thence draw the line of his conduct. For himself, he desired not that the present state of public affairs should shelter his measures from inquiry, or preclude the discussion of the subject then before the House, or any other that should occur, touching the conduct of himself and his colleagues. —In the arguments adduced in support of the motion, much stress had been laid on the jealousy the House should maintain of a standing army; and in support of that doctrine, reference was had to the policy of our ancestors. On this subject he begged leave to remind the House, that the word jealousy was capable of being used in a variety of different senses; and as, in former times, it was successfully so, he hoped it would now be unsuccessfully held out in the delusive light of being dangerous to the principles of the constitution. If an army was augmented beyond its usual constitutional bounds in time of peace, God forbid that the House should not look to it with jealousy; but if the army, as was now the case, was continued from year to year, by the consent and express vote of parliament, for the safety of the realm, the conservation of liberty, the protection of property, and the support of the constitution, the House would hardly consider such an army as an object of jealousy. In the remote periods alluded to by the gentlemen who supported the motion, many might oppose from opinion, and many from prejudice; but the House would carry in their minds, that those who took advantage of the supposed constitutional prejudices in those times against a standing army, in order to raise a popular clamour against it, were the favourers of the claims of the Pretender; and the House would thence draw one certain inference, that popular words are often made the vehicle of the most insidious, dangerous, and inimical strokes against the constitution.—Some things, he said, he should never listen to, without defying the parties who might utter them to proof. When he heard gentlemen allege, that it was a fixed system of his majesty's ministers to pass by the parliament, and use every effort to increase the prerogative of the crown, he should not content himself with merely denying the fact, but dare them to the proof of it. He defied any man to show a single instance, in which, forgetting the duty he owed to the constitution, he had passed by the rights of that or the other House. As to the charge so much relied on, as making an infraction on the rights of that House, namely, the additional pay, or bread-money to the soldiery, it had, in the course of the last session, undergone the nicest discussion, and no man then ventured to start an idea against it. Why those who thought themselves the only guardians of the constitution who now arraigned it, did not then step forward with their objections, might possibly be matter of surprise to the House, but was not to him. That allowance, he said, was made, to prevent a deduction from the pay of soldiers, which usage had introduced contrary to justice, and was in lieu of a stoppage productive of great hardship and injustice to the soldiery.—The propriety of erecting barracks had been so ably defended, that but little was left for him to add on the subject. The circumstances of the country were such as made it necessary to adopt that mode of lodging the troops in a greater extent than for-

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merly, and it had always been adopted as circumstances required. But even if it had been a measure entirely new, he should not have been deterred by any fear of innovation from doing that which he considered as essential to the safety of the country. He denied, however, that it was an innovation. The principle was so little new and so little dangerous, that in all places where troops were in general stationary, barracks had been long since erected. Let them look at London and Westminster, let them look all along the coast, at Chatham, at Portsmouth, at Dover, at Plymouth, &c. &c., and in Scotland, at Edinburgh, at Stirling, at Fort William, at Fort George, at all these places the troops were lodged in barracks, and no danger had hitherto been either felt or apprehended. The circumstances of the country, coupled with the general state of affairs, rendered it advisable to provide barracks in other parts of the kingdom. A spirit had appeared in some of the manufacturing towns which made it necessary that troops should be kept near them. In these towns then, to dispose of the troops in barracks, was a plan far better than to distribute them among the mass of the people; where jealousy might rankle into hatred, and produce tumult and disturbance. It would also operate as a preventive of the seduction of the army, who were by certain persons considered as the chief obstacle to the execution of their designs.—Mr. Pitt concluded by moving the other orders of the day.

Mr. *Grey* said, that the right hon. gentleman had asserted, that there existed in this country a desperate faction. These were words which conveyed a serious charge, and might upon some future occasion be made the subject of inquiry and discussion. He could not help remarking on the unfair dexterity which the right hon. gentleman had exerted in the dissection of the honourable mover's arguments. He had asserted, that because no specific complaint had been made against the erection of any particular barracks, such a measure must, of course, have been congenial to the feelings of the people, and conformable to the sentiments of their ancestors. But it must be recollected, that although no complaint had been urged against any particular measure, the opposition to the general plan of erecting barracks had been unvarying and undeviating. He had also expressed a wish, that a British army should partake of the feelings, and be in exact unison with the sentiments of the general mass of the people. But if he was sincere in this wish, he had taken means not to execute, but to counteract his intention. For surely mankind were much more prone to assimilate their opinions to those with whom they were in the habits of constant intercourse, than to others with whom any commerce was partially interdicted by a seclusion of their persons. By confining the troops in barracks, instead of parcelling them out among the people, their sentiments would be estranged from the general modes of thinking which prevailed among their fellow-citizens; and thus the seeds of a direct contrariety of opinion would be sowed by those very means which the right hon. gentleman professed to think would be productive of a uniformity. He had also said that the objections to a standing army during a former period, were made only by the factious and discontented, by the enemies of the present establishment, and the adherents of the exiled family. Such a description, however, did not apply to all the opposers of that measure, since the late Earl of Chatham was amongst the most strenuous of them—an exception to which the right hon. gentleman would doubtless subscribe. Mr. Grey concluded, by censuring the erection of barracks, as a measure new in its principle and dangerous in its consequences.

The motion for the other orders of the day was carried without a division.

East India Budget.] Feb. 25. The House having resolved itself into a Committee of the whole House, to consider of the several Accounts, Papers, and Reports, presented from the Directors of the East India Company,

Mr. Secretary *Dundas* rose and said:—It is now six years since I introduced the practice of bringing annually before a committee of the House of Commons, a statement of the situation of affairs in the provinces of India; a measure which has tended to establish a regularity in their accounts, to enforce an accuracy in their estimates, and, by subjecting the several civil and military establishments to a jealous investigation, has answered my most sanguine expectations, and been productive of all those salutary effects, which must ever attend publicity in matters of

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account and revenue. The statement I now propose to lay before you is different in its object, and must of course, be different in its nature, from those I have hitherto troubled you with. Those of former years, except in one instance, have been confined to the state of the financial affairs of the company in India, exhibiting the balance upon the comparison of the revenues and charges of the several settlements. The present is to be a statement of a more comprehensive nature. I mean to combine together the affairs of the East-India company at home and abroad, pointing out their relative effects upon each other, and placing before you the general balance resulting from such a combination. For this purpose, it will be necessary for me to draw your attention to a variety of different considerations. I must first state the amount of the Indian revenue, with the annual burthens upon it, including the amount of interest payable on the debts in India. By this statement you will perceive what is the surplus applicable to the purposes of commerce or the liquidation of debts; and as the exports from this country to India form a part of the general applicable fund in India, that subject must, of course, enter into the detail. Having ascertained the amount of applicable surplus in India, I shall, in the next place, advert to the effect which such a sum, applied to the purchase of goods in India, would produce on the sales at home; and attention being likewise paid to the circumstances of the China trade, the result of the two, combined together, will give the gross amount of the company's sales in Leadenhall-street. From that gross amount must be deducted the charges of customs, freight, and the other burthens to which the trade is liable, so as to show, on the whole, what is the nett commercial surplus arising from the excess of sales above the prime cost of, and all charges on the goods sold by the company. Having established, as clearly and accurately as I can, those necessary preliminaries, I shall conclude with suggesting, what I conceive to be an equitable application of the surplus arising both from the revenues and trade; due attention being paid to the respective claims and interests of the East-India company and the public.

And first, with respect to the revenues and charges of the several settlements in India. No accounts having been received from India since the termination of the late war, of the revenues and charges on the present peace establishment, I must first refer the committee to the statement of the revenues and charges of the British provinces in India previous to that war. For this purpose, in No. 1, of the papers the amount of revenues is given for three years, 1787-8 to 1789-90; and of the charges as far as the same can be ascertained. The

REVENUES

Of Bengal, on this average, amounted to	£.5,454,107
Madras, to	1,296,468
Bombay, to	147,155
	£.6,897,730

CHARGES

Of Bengal	£.3,131,210	
Madras	1,578,365	
Bombay	524,142	
	£.5,233,717	
Add, expenses of Bencoolen and Pinang	50,000	
		5,233,717
The nett revenue on this average is		£.1,614,013

In these years a considerable expense was incurred by preparations for war, and therefore the average cannot be considered as giving the result too favourable. The countries ceded by Tippoo at the termination of the war are estimated to yield a revenue of about 400,000*l.* But, in order to bring this subject under one point of view, there is laid before the House an estimate of the future revenues and expenses of the several settlements in India, formed by a committee of the court of directors, for the use of the proprietors of India stock. In this estimate the commercial charges at the several settlements are stated as charges upon the revenues. In all former views of this subject, they have been considered as belonging to the trade, as that is the only purpose for which they are incurred. By this estimate the revenues are stated at 6,963,625*l.* and the charges, including commercial, at 5,342,575*l.* In this view the nett revenue of India appears to be 1,621,050*l.*; or if the commercial charges, amounting to 104,450*l.*, be excluded, the excess of revenue above the civil and military establishments is 1,725,500*l.*

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As I mean, not only on this, but on other occasions, to draw my conclusions from this estimate, I shall offer a few further observations upon it. It has been usual on some former occasions, to charge the directors of the company with endeavouring to exhibit too favourable a view of the state of their affairs; and perhaps the deranged state of their accounts some years past left them so unacquainted with their real situation, as to give some countenance to such an imputation. At present, however, the case is totally changed: even the estimates of the annual receipt and expenditure have been brought to an extraordinary degree of accuracy; and every year a comparison between those estimates and the actual result, has been laid before this House and the public. There is not, therefore, now, any apprehension of the state of the company's affairs in India being misunderstood from the confusion of their accounts; nor is there any fear of unknown claims being hereafter brought forward. In order to place in a stronger light the moderation with which this estimate is formed, and indeed the probability of its being much under what may actually be expected, I refer the committee to the particulars in No. I. which, compared with the present estimate, will show that most of the articles of revenue are under-rated. Not to detain the committee, I shall just state the receipt and expense of each presidency, on an average of three years, compared with the present estimate.

	Revenues.	
	Average of three years.	Present Estimate.
Bengal	5,454,107	5,033,000
Madras	1,296,468	1,540,000
Bombay	147,155	390,625
	6,897,730	6,963,625

	Charges.	
	Average of three years.	Present Estimate.
Bengal	3,131,810	3,047,000
Madras	1,578,365	1,600,000
Bombay	524,142	541,125
	5,233,717	5,188,125
Excess of Expenses of Bencoolen and Pinang	50,000	50,000
	5,283,717	5,238,125

Hence it appears, that although the ceded countries are stated in this estimate at 390,000*l.*, the total of the revenues is only 65,895*l.* more than on the three years average. And although I am ready to admit that some deduction should be allowed from the average revenues of Bengal, on account of the high price of salt in those years, yet, on the other hand, an addition ought to be made to the average revenues of Madras. These, it will be observed, in the first year of the average, are exclusive of the revenue of the Guntoor Circar, and in the last year, the company's servants had but just obtained possession of it, and but a very small proportion of its estimated revenues was collected. The land revenues of this presidency, however, in 1789-90, were increased from fifteen to nineteen lacks of pagodas, or upwards of 160,000*l.* Another circumstance which tends to lower this average is, the failure in the subsidy from the rajah of Tanjore; the payment of whose kists was not enforced in the latter year; and instead of four lacks, he paid less than two, being a difference of more than 80,000*l.* Taking, therefore, these circumstances into consideration as lowering the average revenues of those three years, and comparing it with the present estimated amount, including the ceded countries, there can be no doubt but that the revenues are very moderately stated; and indeed I may say, considerably below what they will probably amount to. But, in this, as in other instances, I prefer, that the actual result should exceed the expectations held out, and therefore take the revenues at the sum above stated.

With respect to the charges, the difference between the amount on the average of the three years, and that stated in the estimate, being only 45,592*l.* requires but little observation; further than to remark, that as the revenue from salt is stated so much below its former actual amount, and as this in part arises from a smaller quantity being supposed to be sold, the expense of manufacture should of course be proportionally reduced. The preparations for war, also, at Madras, in 1789-90, appear to have made a considerable increase of charges there, as they were raised from 38 lacks of pagodas, the amount in 1788-9, to 43 lacks, being an increase of upwards of 200,000*l.* This increases the average, and is an addition to what the expense would have been stated for times of profound peace. The countries

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ceded by Tippoo will occasion a small additional expense in the charges of collection; but considering how much the acquisition of them has weakened that foe, against whose ambitious projects we were obliged to be almost continually in a state of warlike preparation, instead of there being a necessity for our keeping up a larger military establishment in time of peace, there is every prospect of our being able to reduce it. The means of defence, also, with which those countries abound, on the part adjacent to Tippoo's remaining dominions, afford still further security against any future attempts from him to disturb the peace of the Carnatic. On the whole of these considerations, I have no hesitation in giving as my opinion, that the military expenses may be reduced below their amount previous to the late war; and consequently, in stating the total of the civil and military charges at 5,238,125*l.* I take them above what they will in all probability amount to in future. These several circumstances are sufficient to prove, that the nett revenues on the whole of this estimate are taken below the amount, which there is every prospect of being realised.

Interest on the Debts.—The next subject for consideration is, the amount of the debts in India; as the interest on them is the first object to which the nett revenue is applicable. The total of debts owing in India, on the 31st January 1792 is stated in No. 9 at 9,084,550*l.* This includes every article of debt known at that period: and, as I have already observed, the bills not due or presented for acceptance are considered as part of the debts then owing, which was not the case in former statements of this nature. The war continued about a month after this date, which, together with the charges attending the return of the troops to their respective stations, would consequently cause an addition of expense; but against this is to be placed the amount to be received from Tippoo, as the company's share of the price of peace, being 110 lacks of rupees or about 1,200,000*l.* Of this about 500,000*l.* has been given as a tribute to the merits of the army under the marquis Cornwallis: the remainder would be applicable as it was received, towards defraying the arrears of the army. Besides this a greater proportion of the land revenues in India is collected in the three months, from January to April, than in any other quarter of the year. In taking the total of debts, therefore, at their amount on the 31st of January 1792 I state them at a sum probably greater than they were at the termination of the war. The amount of debts bearing interest in India, at this date, is stated in the latter part of No. 9, and amounts to 6,933,943*l.*; the interest on which was 592,209*l.*

The amount of interest on the debts at this period was greatly increased by loans having been raised in the preceding year, for the purpose of supplying the exigencies of the war, at 12 per cent. which is the common interest in that country; but is more than the company pay on their paper, except on such extraordinary occasions. The sums thus raised amounted to about 450,000*l.* at Bengal, and 350,000*l.* at Madras (making together 800,000*l.*); which immediately on the termination of the war, the Madras government began to pay off: and, as appears on the note on the side of the account, 194,000*l.* of these loans there had been paid off, which lessened the interest about 21,700*l.* The additional credit which our governments in India must have acquired by the successful termination of the late war, would soon enable them, not only to pay off those loans at so high a rate of interest, but speedily to reduce the rate upon the whole debt. As a proof of this, I refer to the state of affairs before the late war broke out, when the certificates at Bengal were issued at six per cent. interest; of which, to the amount of 509,657*l.* were out standing on the 31st January 1792.

In the estimate adopted by the court of directors, already referred to, the interest on the debts in India is given, allowing for the amount actually known to be paid off. The amount of the principal is 6,669,082*l.* and of the interest on it 561,923. Although the reasons I have stated would warrant the taking a less sum as the interest now payable on the debts in India, to avoid any objection of that nature, this amount is taken as a charge at present upon the revenues of India. Therefore from 1,621,050*l.* deducting for interest 561,923*l.* the nett surplus, after defraying the civil, military, and commercial charges, and interest on the debts, is 1,059,127*l.* Besides this sum there is estimated to be supplied from the sales of Europe goods and certificates 350,000*l.*, making a total of 1,409,127*l.*

The exertions which the company have

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made to extend their export trade, are stated in the reports of the select committee of the court of directors on this subject, before the House, and the success of those exertions appears on a reference to No. 8, in which the amount of goods, stores, and bullion exported to India and China is stated from 1776 to the present time. The increase of export goods only, since 1784, has been from below 400,000*l.* per annum to 800,000*l.* and of stores in nearly an equal proportion, being, on the whole, an increase from 400,000*l.* to 1,000,000*l.* In the estimate here referred to, it is supposed that to provide an investment in India should be applied 1,127,000*l.* and that the supplies towards the China investment should be 250,000*l.* This would leave a small sum of 32,127*l.* in India. In regard to the amount supplied from India to China, it appears by No. 7, that on the average of three years to 1791 223,314*l.* per annum has been supplied from thence towards the China investment: but, in the present view of the subject, the mode of remitting the surplus seems only in so far applicable, as it tends to show with what profit it can be realized at home.

The amount of goods from India sold in the last three years has been per annum.....		£.2,394,751
Prime cost of ditto	£.1,090,185	
Customs	563,269	
Freight and Demorage	245,782	
Charges of merchandize, 6 per cent....	143,684	
		2,042,920
Being on the average an excess of the sale above the prime cost and charges		£.351,831

I do not call this the actual profit on the trade from India, because in a mercantile point of view, the interest of the money employed in that trade, and a sum for insurance, should be allowed; but this excess of the sale value above the prime cost and charges, sufficiently proves that the remittance of the surplus revenue, through the medium of the trade, is a profitable mode, and that it may be realized at home with profit both to the public and the company.

On the average of the last three years, the prime cost of goods sold by the company was ...	£.1,090,185
In the directors' report, the cost of the annual investment is estimated at.....	1,127,000
which exceeds the average cost of the goods sold those three years by.....	£.36,815

And, consequently, the sale amount and profit on the whole, should be stated at a larger sum. But in order to keep so far below the probable actual result as to meet unforeseen contingencies, I shall consider the profits on the Indian trade even below the sum already stated; as it certainly appears in the estimate of the prime cost and sale amount of goods from India, in the report to the court of directors. In this the sale amount of goods from India is stated at..... £.2,314,900

Prime cost of the same.....	£.1,126,300	
Customs.....	600,970	
Freight	209,270	
Charges of merchandize	138,894	
		2,075,434
Making an excess of the sale over cost and charges of.....		£.239,466
On the three years average before stated, the amount was...		351,831
The difference is		£.112,365

In this appropriation of the sums to be raised in India from the surplus revenues, and the sale of British manufactures, a sum exceeding the whole estimated surplus revenue is supposed to be invested in India goods, on which the profit above stated would be obtained; the remittance of the whole estimated surplus is thus provided for. A sum equal to the principal part of the amount arising from the sale of goods exported from England is estimated to be sent from India to China; and, in a general view of the company's trade, it is not material to discriminate, whether the sum so remaining, after the provision of an adequate investment, be applied to the liquidation of debt in India or to the provision of investment in China which, by being realized at home, may discharge the debts transferred home from that country:—except that the latter is undoubtedly the preferable mode, as it increases the commerce between India, the Eastern Islands, and China; renders a less quantity of bullion necessary to be exported from Britain to China; and opens a larger remittance for the fortunes of individuals, to be brought home from India, in the shape of transferred debt, to be paid by the surplus revenues, or produce of the export trade in India, remit-

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ted directly in the ordinary way of trade, or circuitously through the Eastern Islands and China.

TRADE TO THE EAST-INDIES IN GENERAL—Having thus shown what the future surplus of India, on the lowest calculation may be stated to amount to, and having proved that a sum equal to that amount may be remitted home through the medium of trade, with profit both to the company and the public, the next object is, to bring forward the state of the trade in general. On this subject, accounts have been annually laid before the House; but as the commercial concerns of the company are distinct from the produce of the revenues of India, which it was the object of former statements to illustrate, they have not been discussed in the same manner. On the present occasion, however, it is equally necessary for me to examine the state of the trade from India and China, as to particularize the amount of the revenues and charges of the Indian provinces. And, first, with respect to the receipts and payments at home. In No.6, is an account of the receipts and payments made by the company at home in each year, from 1787 to the present time, and an estimate for the following year. This account shows the purposes to which the sums realized from the revenue and trade at home have been applied. But as this statement contains a variety of receipts and payments, some in private-trade, and others not connected with their commerce, a particular account is before the House of what the trade for the last six years has produced. This is No. 4, in which the amount of the company's sales in each year is stated, and the charges of freight, customs, and charges of merchandize, payable on that sale, as also the prime cost of the same in India and China. In the first three years of this period it appears that the profits resulting from the sale were very low, the excess of the sale of the goods above the prime cost being only 434,581*l.* per annum, after paying customs, freight, and charges of merchandize. But the improvements which had been made in the manner of conducting the company's affairs abroad and at home, have rendered the investments abroad more valuable in proportion to the quantity, and made the trade in general more profitable. Accordingly, by the average of the three last years, the profits on the trade, or more correctly, the excess of the sale amount above the prime cost and charges, was 916,497*l.* per annum.

Average of three years sale amounts, March 1790 to 1793	£.5,103,094
Average of three years prime cost and charges, March 1790 to 1793	4,186,597
	£.916,497

In these statements, the prime cost of the goods only is taken, and the charges at home; the commercial charges in India being, according to the estimate, paid out of the surplus revenues. The great improvements which have been made in the company's commerce are forcibly exemplified, in comparing the prime cost and charges of the goods sold with the sale amount; the average of the excess of sale above the cost and charges being, for the latter three years, double the amount of the former average. In the last year, ending at this present time, the profit, as it may be called, fell below the amount of the two preceding years, owing to the investment from India having been diminished in 1791, in order to afford a larger supply for the exigencies of the armies at that time subsisting in the enemy's country. The return of peace would immediately remove this obstacle, and accordingly a considerable augmentation was made to the amount allotted for the provision of investment at Bengal, on the information arriving there of the conclusion of the war. Under these circumstances, and taking into consideration the economical arrangements which have been introduced into the management of the company's commercial transactions, there can be little apprehension of the profits on their trade, in time of peace, falling below the amount realized on the average already stated.

In the estimate of the cost, customs, freight, and charges, in England, reported to the court of directors, and forming No. 5 of the accounts now before the committee, the prime cost and several charges on the India and China goods are estimated to amount to £.4,244,698 and the sale amount of the same to 4,988,300

Being an excess of sale amount of ..... £.743,602

which is less than the average of the last three years by 172,895*l.* per annum, and

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affords another proof of the moderation of the estimates now under consideration. As the trade of the East-India company has, with some variations, been increasing both in quantity and in profit, for several years past, the estimate here referred to must be supposed to allow a considerable sum for contingences, or for the possibility of the trade relapsing again towards the state in which it appears to have been previous to the last three years sales. In taking, therefore, this estimate as the probable future amount of the prime cost and sale of the goods from India and China, it will certainly not be objected, that I make no allowance for contingencies. Indeed, any man who attentively considers the state of the East-India company's affairs, and the circumstances which have brought them to their present prosperity, and at the same time takes into his view the competition of foreign companies, with which they had formerly to contend, but which now scarcely exists, such person will necessarily conclude, that the trade, and the profits on it, must *cæteris paribus*, increase. I shall, however, take the amount of the sales at 4,988,300*l.*, and the prime cost and charges of the same at 4,244,698*l.*

The next estimate states the annual receipts and payments of the company at home. This, after allowing for a dividend of 8*l.* per cent. on the capital stock, makes the annual surplus at home, including the 1,059,027*l.* derived from the revenues of India, amount to 1,207,114*l.*, which, together with the small sum estimated to be left in India, makes the total surplus 1,239,241*l.* The first article on the receipt side of this account is the sale of goods, which has already been stated to be considerably below the average of the last three years. The next is the charges and profit on private-trade, estimated at 70,000*l.* per annum. This, on the average of the last three years amounted to 83,393*l.*, and in last of those years to 102,000*l.* The 3*l.* per cent. interest annuities from government is not liable to variation. The sum here stated includes 1,687*l.* allowed for managing those annuities. The other receipts being for goods sold in private-trade, money raised by bonds, or otherwise borrowed, are not included in this estimate, as, being merely receipts which are repaid or to be repaid, they do not affect the general state of the company's affairs.

The other side of this account is the estimated annual payments at home. Those for customs, and freight and demorage, are included in the total of prime cost and charges of the goods sold as already mentioned. The charges of merchandize are here stated at 375,000*l.* In the preceding estimate there was charged against the sale of the goods 299,298*l.* The excess is 75,702*l.*, which is allowed for the raising of recruits, half-pay to officers, &c. and also interest on loans. On the average of the last three years, these expenses have amounted to 382,330*l.*, being 7,330*l.* more than this estimate. The excess, however, of the average is owing to the large expense in the last year, by raising recruits to send out to India, &c. and the interest on the loan borrowed of the bank being included, and also the expense of fitting out the embassy to China. These circumstances considered, the above sum appears to be taken sufficiently high.

The next article is the amount of goods and stores to be exported to India and China; these, including St. Helena, amount to 1,017,000*l.* By No. 8, the goods and stores exported in 1791 amounted to 974,959*l.*; and, in the present season, are estimated at 1,083,324*l.*; the amount in this estimate is, therefore, about a medium of those two. It is impossible, in stating this article, not to advert to the great increase which has been made in the export trade during the last eight years, being, exclusive of bullion, from 400,000*l.* a year to a million.

The article of bills of exchange, or bullion, is merely taken to make up the estimated prime cost of goods in China, that prime cost being provided for as follows:

By supplies from India	£.250,000
Goods exported.....	600,000
Bills, or bullion	644,580
Total prime cost.....	£.1,494,580

The goods and stores to be exported to India are estimated at.....	£.400,000
In the Indian estimate the amount to be received for the sale of imports is stated at ...	350,000
There is, therefore, an estimated loss on the goods and stores exported to India, of.....	£.50,000

The exports to China, of goods, stores, and bullion, are not supposed to yield

any profit; so that, on the whole, the export trade is estimated to produce a loss of 50,000*l.* per annum.

If it was material to enter into the investigation, I should assign reasons why I doubt the propriety of stating any such loss on the export trade; but it is not necessary, for the present purpose, to take up the time of the committee with that discussion. I shall take the directors estimate as they state it; and upon the whole, from the several circumstances above stated (particularly from the low amount at which the surplus in India is taken, and from the low estimate of the sales, and profit on the trade), there can be no doubt of this estimate being calculated in an unfavourable point of view, and that the surplus on the whole resulting from it, is stated below the amount annually to be expected.

Appropriation of the Surplus.—Having thus established that a surplus, to the amount of 1,239,241*l.* at least, may be expected in future, it next remains to consider the most equitable mode of applying this surplus. The first object is, the liquidation of the debts. These, in India, amount, as has been already stated, to 9,084,550*l.*; of which 6,933,943*l.* bore an interest in January 1792; but which, from later advices, is stated in the directors estimate at 6,669,082*l.* But taking it something higher, and suppose that 7,000,000*l.* ought to be provided for, and that 2,084,550*l.* (if the debts should be as high at the termination of the war as they were in 1792) might continue as a floating debt, since the debts owing to the company in India are considerably higher than that sum: it is next to be considered what is the best method of liquidating this debt, so far as it may be thought proper to pay it off. There are only two ways: either to pay it off in India by the surplus there, or to remit it to England, and discharge it by that surplus, realized through the medium of trade. The latter is, undoubtedly, by much the more preferable mode; as in the other case, the investment could not be made adequate to the demand, without sending bullion to India. The British subjects, of whose fortunes a considerable part of these debts consists, if they were paid in India, must find some other mode of remittance to Europe: and thus would, as formerly was the case, supply foreign companies with the means of carrying on a trade to India, in competition with the company, on a capital furnished by their servants, to the injury of the navigation of Great Britain, and the diminution of the home revenues in duties and customs. There can be no question, therefore, respecting the best mode of liquidating the debts in India; it certainly is, to allow a certain sum to be subscribed annually in India for bills on the company. The amount should be limited in its extent: but the subcribing to that extent should be left to individuals, to suit their own convenience in remitting their fortunes home. 500,000*l.* per annum is fully large enough for all the purposes of remittance, either considered as gradually liquidating the debts, or as affording an adequate fund for remittance. This, by the year 1800, would reduce the debt bearing interest in India to about 3,000,000*l.*; below which, in the opinion of many persons well acquainted with the situation of affairs in India, it would not be proper to reduce the amount of debt bearing interest, but leave it as a fund, in which the natives may invest a part of their property, and thus attach them to the support of the British government by the powerful motive of interest. If the subscriptions in India should fall short of that sum annually, the only effect it would have would be to lessen the amount of debt paid off in India, and increase the surplus at home, to be applied either to the payment of debts, or to such other purposes as may be deemed most proper for the interests of the public and the company.

The debts of the company in Great Britain consist of the amount transferred from India and unpaid on 1st March 1793 which amounts to 1,354,050*l.*; and the other debts at the same date, which are calculated, exclusive of the capital stock, at 9,247,019*l.*; the total of both 10,601,069*l.* This includes the sum owing by the company to the annuitants, which is included as a debt due to them on the other side of the account. This statement shows the value of assets at the same period, which at home and afloat (including the balance of quick stock in China) amounts to 13,437,460*l.*, or omitting the articles of expenses for French prisoners, for the expedition to Manilha, and hospital expenses (422,011*l.*) to 13,015,449*l.* The value of assets in India, consisting of cash in the treasuries, bills, goods and stores, amounted in January 1792 to 4,098,405*l.* exclusive of debts owing to the company in India, which are stated at 3,518,393*l.*

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These, as the greatest part of them have long been afloat, are not reckoned upon; but left as a sort of guarantee for the floating debt owing by the company in India above the amount bearing interest.

The value of assets thus at home and in India is.....	£.17,113,854
and the amount of debts at home, including the transferred debt.....	10,601,069
If from each side of the account the 4,200,000*l.* owing by government to the company be deducted, the amount of assets is.....	12,913,854
and of debts	6,401,019
The debts for bills on the court of directors, for customs, freight, demorage, interest, and dividends unpaid, and various other articles in their commercial concerns, amount to	2,454,579
This deducted from the above amount, leaves a debt to be provided for of	3,946,440
If bonds be kept in market to the amount of.....	1,500,000
The debt remaining to be paid off at home is.....	£.2,446,440

In what way this small debt is to be discharged, must depend on what determination the East-India company shall form on a suggestion which has been lately made to them. There are two ways of discharging it; either by increasing the capital one million more, which there can be no doubt of rapidly doing, either by the present proprietors subscribing in proportion to the stock they respectively hold, or by admitting new subscribers to advance the amount. The other method is by instalments, to which, considering the smallness of the debt to be ultimately discharged, a very moderate sum only need be appropriated. I certainly, in every point of view, give the preference to the first mode, both as tending to an immediate liquidation of the debt, and as it will enable the company, by an additional capital, to extend their export trade to the utmost the Indian or Chinese market will admit of. If the proprietors shall adopt this idea, they will have a just claim to receive an additional dividend, amounting to ten per cent., on both the old and new capital; and after allowing for this, there would still remain a sufficient sum to admit the public to a participation of not less than 500,000*l.* per annum.

The appropriation of the surplus would then stand thus:—

Net estimated surplus		£.1,239,241
To be applied towards the discharge of the debt transferred from India.....	£.500,000	
Increase of dividend two per cent.	100,000	
New capital of one million at 10 per cent.....	£.100,000	
(Suppose to reduce the Bond Debts to £.1,500,000)		
The Interest at present is	128,000	
£.1,500,000, at 4 per cent.....	60,000	
Less interest on bonds.....	68,000	
Increase of payments by new stock....	32,000	
To be paid to government.....	500,000	
		1,132,000
Remains		£.107,241

From this statement it appears, that in the first year a balance will remain unappropriated, and which, as the debt in India is paid off, will be annually increasing.

This result leads me to mention to the committee an idea I have for a considerable time entertained in my own mind, and which I have recently suggested for the consideration of the East-India company. My opinion certainly is, that the whole of the estimate of the court of directors is taken too unfavourably, and that the surplus of revenues in India, and the commercial surplus at home, will exceed what I have calculated upon in the appropriation I have just mentioned. If I shall appear to be right in this opinion, there must be an ulterior appropriation of the additional balance, and that appropriation should be for the purpose of vesting in the hands of the public that additional surplus, to remain there without interest; but the public to be answerable for it to the proprietors, if, from calamity, permanent or casual, the capital of the company should be impaired, or the situation of their affairs should not at any period be able to afford the dividend on the capital, which it is now suggested they should receive. Without further enlarging on the idea at present, I content myself with barely mentioning it; at the same time, I am confident that if such an arrangement could be made, it would be a most wise and salutary measure, beneficial to the public, and highly so to the East-India company. It will naturally be asked,—If the calculations I have submitted to the committee, will not, in a great degree, be affected by the conti-

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nuance of war? Undoubtedly they will, to a certain extent; but, I flatter myself, by no means to the extent which gentlemen may at first sight be apt to suppose: for I hope, from the situation of the country with which we are engaged in war, that it is not likely we shall be much disturbed on the continent of India; and from our naval superiority, I likewise flatter myself that the interests of the East-India company and the public may be protected from any material injury by depredations of another nature.

Mr. Dundas concluded with submitting to the committee 18 resolutions, founded on the preceding statement; which being put, were agreed to without debate.

Debate in the Commons on the Abolition of the Slave Trade] Feb. 26. Mr. *Wilberforce* said, that the important subject of the Slave Trade had been so often and so fully discussed, that he thought it unnecessary for him to introduce any argument upon the general question. The motion which he was going to make, was, in his opinion, so much a motion of course, that he did not suppose any serious opposition would be made to it. It was no more than a preliminary to the renewal of the resolutions, which were carried last year by a considerable majority. He then moved, "That this House will on Thursday next resolve itself into a Committee of the whole House to consider of the circumstances of the African Slave Trade."

Sir *W. Young* rose to oppose the motion. He said, that reflection, instead of making him desist from his opposition, had served only to confirm him in his opinion, that the question ought not to be agitated at present, but that it would be prudent to defer the discussion of it to some more proper season. Men's minds, both at home and in the West-Indies, were at this moment too much heated for sober and cool deliberation. In England, and in that House, many exaggerated accounts had been given of the situation and treatment of the negroes, both before their departure from the coast of Africa, and after their arrival in the islands; by these accounts the passions of the House had been excited to decide against the dictates of judgment and sound policy. He said that exaggerations were by no means necessary to render the slave trade odious; for he was ready to admit, that in its principle it was not to be defended, and must necessarily be repugnant to the feelings of mankind; but such were the circumstances of our West-India colonies, that the continuance even of such a trade for some time longer was absolutely necessary to their existence, and its abolition would be their ruin. On this subject he could speak from his own knowledge, for during the last summer he had visited most of the English islands in the West-Indies, and could take upon him to say, that a great deal of what he had heard in that House respecting the condition of the negroes, appeared to him to be unfounded in fact. It had often been said that by the irregularity of a number of males and females imported into the islands, and the excessive labour to which they were exposed, very few children were reared, and that this was the reason that it became necessary to import so many Africans every year. He declared, that having viewed the negro villages on many estates, he had seen as many children in each, as could be found in any village of the same size in England. This would serve to show that the necessity of importation might be gradually diminished; and the plantations be worked by Creole negroes, instead of Africans. The condition of the slaves had of late been considerably mended; the act for regulating the middle passage had been productive of very happy consequences; and many regulations had been adopted in the colonial assemblies, tending greatly to better the condition of these poor people. He maintained, that in whatever related to the slave trade, this country could not act with efficacy, without the concurrence of the legislature of the islands; those bodies were extremely well disposed to do every thing that could reasonably be required at their hands; and more it would not be prudent to ask. He believed that there were not in his majesty's dominions a set of subjects more loyal than the land owners in the West-India colonies; but he could not answer for the continuance of loyalty, when the men from whom it was expected were to be irritated, outraged in their character, and injured in their property. They had been represented as brutal and unfeeling in their nature; many of them had been bred at the first schools in England, and were known when here to be equal to the most humane or generous of Englishmen. Few men were patient of

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insults; and still fewer disposed to be strongly attached to those who would reduce them to beggary; there was a spirit moving among the planters, to which it would not be prudent to give strength: by unnecessarily pushing forward certain measures at the present moment, they might be driven to what they themselves would wish to avoid. He concluded by moving that the words "Thursday next" be left out, and the words "This day six months" inserted instead thereof.

Mr. *Buxton* seconded the amendment. He said that the House by giving way to the clamours without doors, instead of firmly adhering to principles of wisdom and sound policy, might lay the foundation for the ruin of our happy constitution. Gentlemen ought to be on their guard against a spirit of innovation. Liberty was not now in danger from its arch enemy despotism, but from those, who under the appearance of erecting a temple to liberty, were actually endeavouring to destroy it, to overturn all government, and establish anarchy upon its ruins. In England it once happened, that when the people seemed most clamorous for liberty, the mace of the House of Commons was declared to be a bauble, and the resolutions of the House dictated by an armed force from without. He warned gentlemen against similar consequences if they should show so little firmness as to be swayed by clamours without doors, raised by persons who, under the idea of universal liberty, would destroy society.

Mr. *Cawthorne* wished to recall to the recollection of the House the speech of the hon. mover, when the last resolutions on this subject were adopted by the House. Their passions had then been agitated, and their feelings called forth, by details of cruelties at which sensibility was shocked. Had not these stories been believed by the House, he was persuaded they would not have agreed to the resolutions; and they had now been proved to have had no positive existence in fact. The hon. gentleman being called upon to mark those persons to whom he chiefly alluded, had particularised capt. Kimber, who had, in consequence, been brought to trial, and honourably acquitted. The two principle witnesses brought forward to support the prosecution, had been committed by the court on suspicion of wilful perjury, in giving evidence on that trial; and they had both lately been tried: one of them had been found guilty of the perjury; the other had been acquitted; but capt. Kimber's innocence had been established beyond a doubt. Upon the whole view of the case, he was decidedly in favour of the amendment.

Mr. *W. Smith* said, it was not now intended to make any alteration in the resolutions of last session, or to proceed to an immediate abolition of the slave trade; but only to renew those resolutions, and to carry them up to the Lords, so that the business might proceed before their lordships.

Mr. *Dent* was of opinion, that the House ought not to go into a committee on the subject of the slave trade; for though the resolutions passed last year contained various restrictions, the enemies of that trade avowed that their object still was its unqualified abolition. He wondered that gentlemen would endeavour to force upon the West-India planters, principles which, however they might be suited to England, were destructive of the property of the planters. People should be prepared for liberty before they could enjoy it, or make a good use of it.

Mr. *Fox* observed, that the question was, whether that House would now proceed, or at once lay it down as a rule that they would do nothing whatever upon the subject this session, although after a long discussion, deliberate resolutions had been entered into during the last; although the subject had been in agitation for between five and six years; and although they had from that time gone on year after year, and had, as was natural in the cause of justice, reason, and humanity, arrived by discussion nearer and nearer to the point of truth, and from step to step advanced, until at last they came to a determination, that the slave trade from Africa to our colonies and plantations should cease on the 1st of January 1796. That was the object now before the House. He then called the recollection of the House to the circumstances of the present question, and dismissed all the arguments that had that evening been brought forward on the hardships to which the planters would be exposed on the revival of these resolutions, by observing, that on the bringing forward of the bill by an hon. baronet (Sir William Dolben), for the regulation of the middle passage, these gentlemen and their advocates cried out, that if this bill passed, the trade would be ruined. Had that been true,

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the House would not be debating the subject now before them; as little reliance had the House on the suggestions of these gentlemen with respect to the dangers to the trade from the resolutions of last year; and the question was, whether the House would or would not go into a committee on Thursday upon this subject? It was said that the abolition should be with the concurrence of the legislative body of our colonies, before it could be effectual. Upon what principle it was that we were to anticipate their refusing to concur with us, he knew not; nor, if we had no influence whatever over them, and they were determined to thwart our intentions, how far it might be deemed prudent for us, under such circumstances, to continue our connexion with them, he would not now discuss; but of this he was sure, that the House had power over the trade of this country, and could say under what regulations it should be carried on, and when it should cease, or how long they would suffer by an acknowledged evil. He adverted to the observation, that this trade was to be abolished by menaces, and maintained that nothing at any time, particularly at the present, ought to be more strongly guarded against, than that of holding out to the public an idea that the proceedings of that House were influenced by the dread of menaces, reproaches, or even the loss of popularity; that their votes were the effect of compulsion, and that the moment they dared to do so, they would rescind them. He trusted to God that the vote of every one who assented to the resolutions of last year, was the result of conviction; he trusted, too, that a vote so much to their honour, and which had entitled them to the applause of all Europe, would not now be abandoned. He said he had heard it hinted, that a time of war was improper for the discussion of this subject. He confessed he did not see the propriety of that objection; at all events, if it was an objection, it was such as would be very well discussed in a committee; and then it might be determined whether the circumstances of this war were such as to call upon parliament to continue the evil of the slave trade. He should be of a contrary opinion, and contend, that all the arguments upon the danger of tumult and insurrection, would not apply to the present subject. He therefore should advise the House to regard the present as a very fit time to take this subject up, and to show to all Europe that the parliament of Great Britain never lost sight of the principles of honour, justice, and humanity; that their government was honourable, that their pledge was faithfully adhered to, that while they declared they detested anarchy and confusion, they also loved the principles of real liberty, that they sincerely wished for the happiness of mankind, and revered the rights of nature. Mr. Fox then observed, that if there were any objections to the late resolutions in any particular part, such objection would come regularly before the committee on Thursday, and could then be argued; for as to the danger of agitating it, he confessed he differed entirely from those who expressed their apprehensions upon that subject; or, if there was any danger in that respect, it must arise from its not being agitated while there was a difference of opinion; agitation was necessary to set that difference at rest. Indeed, he once hoped that the House would not now have had to debate the question at all, and that the abolition would by this time have passed into a law. He should not now pretend to anticipate the discussion of the House of Lords; he hoped, that their decision would be agreeable to the principles of justice and humanity; in the mean time, the House of Commons should not slacken its efforts. If the course of the discussion in the other House should lead to such a length, or should take a turn that would render hopeless the thought of its coming to a conclusion this session, then he should advise the bringing forward of some other measure that might give efficacy to the resolutions, which had for their object the immediate regulation of the trade, independent of the total abolition in the year 1796. Mr. Fox next took notice of the trial of captain Kimber, on which so much stress had been laid. He said he could have wished that it had not been alluded to at all, because it was not regularly before the House; but, as it had been alluded to, he would only say, in the most constitutional language he could, that as captain Kimber had been acquitted, he hoped and trusted that he was innocent, and, as Mr. Devereux was acquitted also, he hoped and trusted that he was innocent; but he believed there were none in that House who voted for the resolutions last year solely upon the representation of the subject which brought captain Kimber upon his trial; if there were, let such person vote, if he thought proper, against

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the resolutions in the committee upon this occasion; at all events, the House had no reason for refusing to go into the subject this session. Upon the point of humanity, which had been so much urged on a former occasion in favour of the West-India planters, he must do the hon. gentleman who originated this subject in that House the justice to say, that he had always allowed to these observations their full force, and that he had admitted the truth of many specific acts mentioned in support of the humanity of these planters; at the same time, Mr. Fox said, he did not see any thing in the nature of the traffic of these planters, or any thing in the spirit of slavery, to suppose that those who deal in it surpass their fellow creatures in the offices of tenderness and humanity, nor any thing in the nature of absolute power that was likely to exempt its possessors from the common frailties of our species; or if these gentlemen had these feelings in so eminent a degree, these resolutions were so far favourable to them, as to set them free from a station so obnoxious. To return to the point more immediately before the House, he complained of an evil and an abuse which he maintained it was practical to remove, and as he had before hinted, if the proceedings of another place should be such as not to give satisfaction, that they would be removed, and that the first resolution for abolition in 1796, should pass this session, then that House should substitute such other remedies as might meet their ideas upon the regulation of the trade between this time and the period of final abolition. Until these points should have been fairly canvassed by argument, he trusted that the House would not pursue a step so disreputable to its own honour and dignity, so dissatisfactory to the public in general, as to relinquish their former opinion, or, in other words, to tell the world at large, there was no sincerity in their declaration on a former day, and that they had completely given up even the gradual abolition of the slave trade, and that they never would resolve upon that measure at this or any other period.

Mr. *Pitt* hoped there would be no difficulty in revoting the propositions voted last year. By renewing the resolutions of last session, and sending them up to the Lords, no member of the House was restricted from proposing such other measures, as the delay in the other House might seem to call for. If, for instance, the proceedings in the other House should seem to retard the final decision of the business beyond the period of the present session, it might be highly proper to introduce a bill to stop the aggravation of the evils of the slave trade, pending the discussion on the final abolition.

The question being put, that the words "Thursday next" stand part of the question, the House divided:

Tellers.

Yeas	Mr. John Smith - -	Mr. Mat. Montagu - -	53
Noes	Lord Sheffield - - -	Mr. Tarleton - - -	61

So it passed in the negative.

It was then resolved, that this House will, upon this day six months, resolve itself into a committee of the whole House, to consider the circumstances of the African slave trade.

Impeachment of Mr. Hastings—Managers Conduct approved.] Feb. 28. Mr. *Burke*, one of the members appointed by the House for managing the trial of the impeachment now depending against Warren Hastings, esq. informed the House, that, the Lords having met this day (before his majesty came to the House of Peers) in the chamber of parliament, precisely at twelve o'clock, which is much earlier than their lordships have usually assembled for the purpose of going into Westminster-hall, their lordships, without having given any intimation to this House of their intention to make this alteration in the time of their proceeding, went at about half an hour after twelve o'clock into Wesminster-hall, before a sufficient number of members of this House were assembled for the purpose of enabling Mr. Speaker to take the chair—That, under these circumstances, he (Mr. Burke) and such of the other managers as were present in this House, thought it their duty to appear in the place appointed for the managers in Westminster-hall, to be ready to go on with the trial, without waiting for the usual proceedings of this House on the days appointed for the trial, and that the managers did accordingly appear in Westminster-hall and the trial proceeded. And Mr. Burke desired to submit his conduct, and that of the other managers upon this occasion, to the judgment of the House.

The *Speaker* took a view of the proceedings of the House and cleared himself,

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and all its members, and also the managers, from any imputation of delay in general with regard to their attendance on the trial of Mr. Hastings.

Resolved *nem. con.* "That under the circumstances above mentioned, this House doth highly approve of the conduct of the right hon. Edmund Burke, and the other managers, for having taken such steps as enabled the Commons to proceed on the trial of the said impeachment.

Report from the Committee to consider of Means for expediting Mr. Hastings's Trial.] Major *Maitland* reported from the committee who were appointed to consider of means for expediting the trial of the impeachment now depending against Warren Hastings, esq. and to report the same to the House; that the committee had considered the matter to them referred, and had directed him to report the same to the House; and he read the report in his place, as follows:

"Your Committee, in considering the causes which may have tended to lengthen the duration of the trial of the said Warren Hastings, have not thought themselves authorized to suggest any interference in the judicial proceeding on that impeachment: therefore although your Committee may have conceived that arrangements might be made which would prevent the trial from being suspended during a very considerable part of the session, which has hitherto been the case, yet they have thought it proper to abstain from submitting to the House any proposition upon that head.

"Your Committee have farther considered, whether any arrangement could be made by the managers, or by the counsel for Mr. Hastings, which might tend to bring the impeachment to a shorter issue; but having duly considered this part of the subject, they acknowledge that no measure has occurred to them for this purpose.

"Your Committee have therefore limited themselves to the consideration of two points, which they have conceived may tend to expedite the trial of this impeachment.

"First, the procuring a certain attendance in this House at the hour at which it is to meet on the days of the trial.

"Secondly, the means of obtaining a greater number of days for the trial, than has hitherto been granted in any one session of parliament.

"Your Committee do not find that, during the whole period of the trial, the House of Lords have often had occasion to wait for this House previous to their going into Westminster-Hall; but they are obliged to admit, that there has been in some degree a remissness in the attendance in this House, which has sometimes prevented the Speaker from taking the chair at the hour when the members ought to have attended.

"Your Committee have not been able to suggest any measure which could in itself compel a more exact attendance in this House on the days of the trial, but they apprehend that if the House should think fit to follow the precedent in the case of the earl of Strafford, this inconvenience would be removed.

"Your Committee find, that the mode of proceeding at that impeachment (as appears by the journal of the 22nd of March 1640) was, for this House to meet as a committee in Westminster-Hall, without first coming into the House of Commons.

"Your Committee conceive, that the adoption of this mode would certainly produce the effect of preventing any delay on the part of this House, and the probable effect of inducing all other persons concerned to be punctual at the hour appointed,

"Your Committee are aware that an objection has been stated against the propriety of adopting this precedent in the present instance, as it does not appear to have been followed in other cases; but in those cases it may not have been necessary: it has also been stated, that it is of importance that the House should be ready during the time of the trial, for the purpose of advising the managers, should question occur which they, in their judgment, might think fit to refer to the consideration of the House; but your Committee observing that no such instance has hitherto occurred, and thinking that if such a circumstance had occurred, the discussion of any such question in the House could not have taken place immediately, they apprehend there is not great weight in this observation.

"Your Committee do not conceive that an attendance of more than five hours in a day, when that is really given, would be either in itself advisable or proper to be requested; but they cannot help being impressed with the propriety and expediency of obtaining more days in the week for the carrying on the impeachment, so that, if possible, it may be brought to a

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conclusion in the present session of parliament: the mode of obtaining this object, whether by requesting a conference on the subject with the Lords, or otherwise, your Committee beg leave to submit to the judgment of the House—at the same time, considering that the application would be merely to desire that the Lords would allot more days, in a given time, than has been usually allowed for this trial, if it could be done consistently with the dispatch of the other great and important concerns which engage their time and attention; and considering also the great length of the trial hitherto, and the time during which it may still continue, and all the circumstances attending this case, your Committee cannot but hope that such a measure might with benefit and propriety, be adopted on the present occasion."

Resolved, That this House do meet as a committee, to-morrow morning, in Westminster-hall, at the trial of Warren Hastings, esq.

Debate on Mr. Sheridan's Motion relative to the Existence of Seditious Practices.] Mr. *Sheridan* rose to submit to the House his promised motion; the object of which would be for the House to resolve itself into a committee to inquire into the truth of the reports of seditious practices in this country. He should not attempt to prove, that there never existed any sufficient reason for apprehending the danger of the sedition, or that there had not been any act of insurrection in any part of the kingdom, to warrant the propagation of such reports: it was well known, that there never was any thing of that sort of consequence enough to merit the description which had been given of it, or to create the alarm which followed. However, he perhaps might be obliged to retract that opinion in consequence of the proofs that might be brought forward before the committee of inquiry, for which he intended to move; if that should happen to be the case, he should be glad to see that ministers had only done their duty in spreading an alarm at a time of real danger, and should be glad to praise them for their vigilance, however he might deplore the necessity that gave it birth. When he said he should move for a committee to inquire into those things, he did not wish to say any thing upon the effect of such inquiry at present; his object was to know in what situation this country really was, and whether the language made use of by ministers upon the subject of sedition, conspiracy, and treason, was not at least premature at the time it was uttered, and consequently that nothing had happened that could justify government in the steps they had taken, and the proceedings they instituted: at present he had the satisfaction of thinking, that these reports were ill founded; to remove all doubt, however, upon that subject, and to obtain complete information, were the objects of his motion. Parliament met early in December last, and they were called together in a very extraordinary manner: this of itself was matter of alarm to the country; for they naturally concluded that it would not have been so assembled, had there not been strong reasons for it. We were then under the apprehension of a foreign war. From that very moment parliament seemed so taken up with that object, that they lost all curiosity with respect to the internal situation of this country; they took it for granted, that every thing that was said by ministers was true upon the subject of sedition lurking in the country at the beginning of the session: they took it for granted, too, that every step taken to check it was just: this was a fraud upon the public, and the House ought to feel it so, for he in his conscience believed, that the alarm was spread for the express purpose of diverting the attention of the public for a while, and afterwards leading them the more easily into a war. When ministers called upon that House to strengthen the hands of government, they were always bound to explain the real motives they had for asking for that assistance, in order that the House, as the representatives of the people, might be able to tell that people, whose lives and money were to be expended, the reasons why they were to be deprived of the rights they had before enjoyed; for he would maintain it as a maxim, that to strengthen the hands of government was necessarily, for a time, to weaken the rights of the people; and that to strengthen the hands of government in carrying on a foreign war, without informing the people of the real state of the country, was making mere machines of them, was a conspiracy against the constitution, and was laying down a plan by which their liberties might be lost for ever.

With respect to the late supposed sedition in this kingdom, and of that supposed temper for insurrection, and of the lurking treason of which we had heard so

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much by hints and conjectures, there were three circumstances to be considered, and three points of view in which the subject might be placed. The first was, that the danger in this country had been real: secondly, that the danger was not real, but that the whole was a false alarm, really entertained by government, the effect of a delusion successfully practised upon them; in which case the propagation, on their part, although unfortunate, was yet honest. The third was, that the whole was founded on a systematic plan, laid by government for deluding the sense, and finally subduing the spirit, of the people. It was, in his opinion, the duty of parliament to regard the subject in these three points of view; and he saw in all of them no way of proceeding with propriety but by instituting a committee of inquiry. Let us suppose, for instance, the whole evil was really felt as ministers had described at the beginning of the session. What then would follow? Most certainly, the adoption of a committee of inquiry, in order that a plan should be laid for our future safety. What was the next thing to be attended to, and the next view of the subject, supposing that ministers really apprehended danger, although in truth there had not existed any? Most certainly, that a committee should be appointed to inquire, and that they might make their report upon the situation of the country, announce it to be in a state of safety, and calm the apprehensions of the public. In the third point of view, that supposing the whole to be a mere device on the part of government, for the purpose of leading the people the more easily into a war with France, again he must say, that a committee should be appointed to inquire, in order that the public should know the deception which had been practised on them.

Mr. Sheridan observed, that we were at war with a great, a powerful, and hitherto victorious republic; it was idle to conceal the truth. He then came to the hints which had been thrown out by the attorney-general at the beginning of the session concerning the plots and conspiracies that were said to be formed in this country. Had any thing of this been proved? Not a syllable. But this made part of the system adopted by government; and the public were to be alarmed at the apprehension of the progress of French principles, in order that they might the more readily be induced to go to war with the French; and by the conduct of the worthy gentlemen of the associations the people of this country were called upon to revile the French in expressions, and to follow their system in practice, namely, to establish a government by clubs. He wished the House to reflect on what was likely to be the result of all this. The people of this country were accused of a spirit of disaffection; many plots and conspiracies were said to be hatched; and now he, in his conscience, believed there was not an iota of truth in any part of the charge to justify the apprehension which government expressed at the commencement of the session. What was to be done? Institute a committee of inquiry; for if there was any of this treason or conspiracy lurking any where, it remained at this hour as undiscovered as at the first moment when it was apprehended to be formed. These associations were formed, as it was said, for the protection of persons and property against republicans and levellers; and what were they about to do, and what in fact had they been doing? First of all, they had been employed to prevent the circulation of Mr. Paine's book, and the Jockey Club, and to bring to punishment the distributors of those publications—works which had for many months been spread all over the country by the connivance, as he might say, of his majesty's ministers, and this, too, when one of those very ministers had an opportunity of reflecting on the impropriety of such publications, who had himself formerly indulged a disposition not to treat the high powers of this country with that respect which was due to them, and had, no doubt, repented of that temper, and thoroughly changed his sentiments. What care I for the king's birth-day. What is the king's birth-day to me? or some such coarse expression, had, he believed, been uttered by a noble duke sometime since. What, he asked, had appeared of late to justify our dreadful apprehensions? He was not sure that ministers felt any alarm at the time that they were endeavouring to alarm the country; for how did the chancellor of the exchequer act? In the course of the summer he proceeded with due solemnity to take the weight on himself of the laborious office of Warden of the Cinque Ports, and he conducted himself in that situation in a manner equally pleasing to his hosts and to his guests, and returned to town without any great apprehension of danger; but as the meeting of parlia-

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ment approached, things became more and more alarming, until at last the whole country was said to be threatened with destruction. The whole of this was a panic created by ministers, for the purpose to which he had alluded before; this he felt no difficulty in saying, and he called on ministers to deny it: he was so well convinced of the truth of it, that he would venture to affirm, that if all the magistrates appointed under the new police bill were to appear at the bar of that House, they would not be able to give one instance of the existence of that sedition which ministers had so often adverted to in calling upon the House to support them. All he requested of the House was, that a committee of inquiry should be appointed, or of ministers, if they said that such a committee was unnecessary, to confess that they themselves had been deceived upon the subject, and that what they advanced upon that topic some time since, they were now ready to retract. This, he said, was due to the public; for the people of this country ought not to be practised upon by fraud; they were a generous and a brave people; and he believed that if this country were to be invaded by a foreign enemy, it would only increase our energy and stimulate our exertion. He must therefore say, that to accuse them of seditious motives was highly unjust, as well as indecent. This panic had already had a great effect; and indeed, it was much too general an impression to proceed from real danger; a general panic was always created by phantoms and imaginary evils. It had been always so in the panics of armies, for instance; he believed that there was not to be found in history an instance in which the panic of an army had proceeded from real danger; it had always proceeded either from accident or some stratagem of the enemy. Indeed, the thing bore evidence for itself; had the danger been real, there must have been a difference of opinion as to the amount of it; for while there was a difference in the size and character of the understandings of men, there must be a difference in their opinions: but those who believed any thing upon the tales of sedition which he had before alluded to, believed every thing that was said about it; and that of itself proved its fallacy. There were numerous instances recorded, both in prose and verse, where nations had been misled, and had acted upon such false alarms. There were many instances in which a panic had been communicated by one class of men to the other—

———Sic quisque pavendo
Dat vires famæ; nulloque auctore malorum
Quæ finxere, timent. Nec solum vulgus inani
Percussum terrore pavet: sed curia, et ipsi
Sedibus exiluere patres, invisaque belli
Consulibus fugiens mandat decreta senatus,

His hon. friend (Mr. Windham) had been panic-struck, and now strengthened the hand of government,—he who, last session, to use a vulgar adage, had "rolled his majesty's ministers in the dirt." At that period his hon. friend was for pulling off the mask of perfidy, and declaimed loudly against that implicit confidence, which some had argued ought to be placed in ministers. He now thought such arguments were impolitic, and no man was more strenuous for that confidence which he had before with so much warmth reprobated. Another friend, Mr. Burke, to whose doctrines Mr. Windham had become a convert, had also been panic-struck. He had been so affected, that he saw nothing but a black and clouded sky; a bleak opposition, where there was not a shrub or bush to shelter him from the gloomy aspect of public affairs; but he had taken refuge in the ministerial gabardine, where he hoped for security from the approaching storm.

He had now dismissed the two first parts of the subject, and came to the question, whether ministers had spread those alarms, for purposes which they did not avow. It would be with great reluctance, that he should put that construction upon their conduct; but there had been such encouragement given to reports of a certain nature, that he hardly knew how to avoid saying, that these alarms were created for very dangerous purposes: indeed, he could not refrain from saying, that there appeared on the part of ministers, first, a desire to inflame the minds of the people to prepare them to go to war with France; secondly, an inclination to divert the public mind from the question of parliamentary reform, for the purpose of concealing the apostacy of certain individuals, who do not choose to be put to the test and tried by the public upon the standard of their own professions. As to the first of these points, he need only refer to the speech of the chancellor of the exchequer himself, who had said, at an early stage of the discussion of that subject, that he believed the

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public rather reproached government for supineness, than blamed it for its promptitude in going to war. This was a mode of bespeaking the opinion of the public; and he could not help saying it appeared to him, from that and other things, that attempts were made to inflame the public mind with regard to France. He was surprised to hear it said by one right hon. gentleman that the only consolation that could arise from the death or murder of the late unfortunate Louis, was, that it would rouse the indignation and animosity of mankind against France. This was a consolation arising from inhumanity, that he did not envy; he knew there were those who did not mourn that unhappy event; there were those who did not interest themselves to avert that misfortune. But those who loved freedom, or cherished liberty, must ever deplore the transaction, because by one act they had armed despotism, and given a fatal blow to the general interests of mankind. Such was his opinion now, and such it always had been upon that subject.—With regard to the other motive of ministers, namely, that of diverting the attention of the public from the question of parliamentary reform, he believed in his conscience that there was a design of that nature entertained by ministers which had succeeded for a time; but all this was temporary, for the people were not to be deluded for ever. God forbid they should! God forbid that a brave nation should be blinded for a long time by a few individuals, and that a whole country should be false to itself, and destitute of honour, because an individual or two had betrayed their character, and because a few persons were interested in propagating false alarms! That was not to be expected; indeed, the deception was too coarse in its nature to last for any length of time, and the reports were too ridiculous about plots, conspiracies, and treasons, to be long credited. How stood facts upon this occasion? A noble duke (the duke of Richmond) had formerly been of opinion, that there was nothing to be seen but danger for want of a parliamentary reform; but he had so elevated himself of late upon fortifications of his own creating, and availed himself of his great power of discernment, that he was now able to discover plots, conspiracies, and treasons, under the garb of a parliamentary reform, or under any reform. The alarm had been brought forward in great pomp and form, on Saturday morning. At night all the mail coaches were stopped; the duke of Richmond stationed himself, among other curiosities, at the Tower; the lord mayor of London had found out that there was, at the king's arms in Cornhill, a debating society, where principles of the most dangerous tendency were propagated, where people went to buy treason at sixpence a head, and where it was retailed to them by the glimmering of an inch of candle, and five minutes, to be measured by a glass, were allowed to each traitor to perform his part in overturning the state. And yet coarse and ridiculous as they were, these things had their effect with the public for a time and certainly did create a general impression of fear.—Here Mr. Sheridan entered into a detail of many circumstances and stories, founded upon false alarms in several parts of the kingdom: first, when the alarm began, carts, waggons, and coaches, were said to arrive daily and hourly at the Tower, filled with traitors from different parts of the island, and ministers were applauded for their prudence and activity in the service of the state. Not one word of truth in the whole case! not a being brought to the Tower—not a being charged with treason! The whole was a miserable fabrication to deceive the credulous. Suspicion, indeed, had been entertained; and he believed that many letters had been stopped at the post-office, and he had no doubt that many of his were among the number. He did not wish to talk of himself, but as so much had been said upon the subject of correspondence with foreign powers, and as hints were thrown out in various channels, under the direction and encouragement of ministers, that he and others with whom he agreed on public subjects, held improper correspondence with other powers, he trusted the House would excuse him for adverting to himself, and saying, that if government should think it worth their while, he should not have the smallest objection to publishing every word in every letter he ever wrote upon the subject of politics. This he did to refute at once all the calumnies which had been spread upon that subject. He had not the least doubt but that he might safely say the same thing of others who had been slandered in the same way. There was a paper drawn up by him, which he had no difficulty in saying he should be glad to avow every

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where, and on any occasion, and this he said in order that it might be understood that no apprehension of misconstruction should deter him from saying he wished it to be published; he was confident it was not repugnant to the principles of justice and humanity. This related to the subject of the trial of the late king of France. He said this in hopes of defeating the purposes of those who were so malicious as to insinuate, from the most unworthy motives, that there existed a faction in this country connected with its enemies. He could have wished that there should not have been any necessity for his declaring, that he abhorred the principle of the decree of the National Convention of France of the 19th of November. Nothing should have deterred him from having written his sentiments upon such subjects. Nothing, he hoped, would deter ministers from publishing them at some future day, as there was no doubt but that they had kept copies of them, and various other letters, at the post-office.

He then came to take notice of the manner in which government had proceeded to create the alarm to which he had alluded. They had advertised Mr. John Frost and captain Perry. The public were to look upon these two gentlemen as traitors: 100*l.* each was to be given for apprehending them. One of them, Mr. Frost, was at this hour in this country, under bail, and ready for his trial, if he was to be tried; and the other was charged only with having printed in the Argus what the chancellor of the exchequer had himself delivered in a speech upon the subject of parliamentary reform. He should not have mentioned these things, but to prove that great pains had been taken to carry on a system of delusion. There was another fact, which was too extraordinary to be omitted. A story had been trumped up, that there was a plan for taking the Tower by the French; after which, the whole of our constitution was to be overturned, and the royal family were to be murdered. At the head of this plot was to be placed that most execrable character, Marat, whom the French would have done well long ago to have removed, and which they would have been able to accomplish, had they not joined to him Robespierre, and others of a different character. This fiction was not enough; for we were told that there were certain people in pay by the French for the purpose of destroying as many of the people of this country as they could, and that attempts had been made to poison the New River. There was no doubt but that these things appeared now to be too ridiculous to be believed; and yet many gave credit to them, insomuch that the proprietors of the New River were obliged to advertise in all the newspapers the falsehood of that report. Was this no hardship, or did it not show a shameful disposition to impose upon the public and to work up the people of this country into fury against the French? In farther confirmation of this, he referred the House to the gross, clumsy calumny of the various newspapers which were published from day to day, under the authority of administration, where every thing that had any relation to the French was abused without mercy: by this the French were given to understand, for many months, that our court was at enmity with them. This also was part of the system of delusion which had been practised, in order to bring about a rupture between the two countries. There was one paper in particular, said to be the property of members of that House, and published and conducted under their immediate direction, which had for its motto a garbled part of a beautiful sentence, when it might with much more propriety have assumed the whole—

———Solem quis dicere falsum
Audeat? Ille etiam cæcos instare tumultus
Sæpe monet, fraudemque et operta tumescere bella.

But it was not the authority of government alone that he rested upon, when he made these observations. An insurrection was said to be planned by corrupting the soldiers, and this turned out to be the sum of sixpence given for porter in Edinburgh: now, what the scarcity of money might be in that country, he could not tell; but this was very clear, that the system of corruption had not been carried to any very great extent. He then alluded to the burning Mr. Dundas in effigy by the people of Scotland, to which circumstance he imputed the soreness that the right hon. gentleman had displayed in the account he had given of the pretended insurrections in that country. It was said that Rotundo, a very notorious ruffian from France, had been in England, and no doubt for execrable purposes; but he was not sent here on a sanguinary embassy; but fled merely to elude the hand of justice. There were

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other stories afloat at the same period equally ridiculous, and ramified into various rumours. It was said that numbers were kept in pay; that they were drilled and disciplined in dark rooms by a serjeant in a brown coat; and that, on a certain signal being given, they would sally forth from porter rooms and back parlours, and finally subvert the constitution. Such were the idle stories with which for months the people have been amused. There was another circumstance which struck a panic into government, the planting the tree of liberty in Dundee. But this was like "Birnam wood coming to Dunsinane." This insurrection, as it was called, originated with a few school boys, the chastisement of whom by their master, restored them to their loyalty, and prevented them from overturning the constitution. Some persons, through a motive of indefensible humour, had written a letter to sir George Yonge, informing him of an insurrection at Salisbury, when no such insurrection really existed. It was likewise said that there was an insurrection at Shields. The military were instantly dispatched; but the insurrection had ceased, and the seditious insurgents were voluntarily assisting in getting off a king's ship that had run aground. He next instanced what had been deemed a seditious tumult at Yarmouth, which was equally well founded as what he had before noticed. If the chancellor of the exchequer was not so stiff-necked and lofty—if he condescended to mix in public meetings—he would not be apt to be led into those errors which were practised, he must suppose with too much success, on his credulity.—In all the various accounts of pretended insurrections, there was not the least proof of discontent in the public mind, or disaffection to government in any one of these, but that the whole arose from other causes. These things entitled him to say, that an inquiry ought to take place to set the public mind at rest. He then touched upon the addresses transmitted from patriots in pot-houses to the National Convention, a long list of which had been compiled under the auspices of the treasury. One of them was signed by Mr. Hardy, an honest shoemaker, who little dreamt, God help him! how near he had been overturning the constitution.

He next took notice of the effect of the system of delusion in the metropolis, and the hardships under which many individuals laboured in consequence of that system; where publicans had been told by different magistrates of the effect of their allowing any conversation upon politics in their houses; that if they conducted themselves in the least degree displeasing to the government they should lose their licences; and still farther, they were asked what newspapers they took in. "Do you take in the Morning Chronicle or Post?" Yes, Sir, "Take care there is no sedition in it; for if there is, you are liable to punishment for distributing it to your customers." There was one very particular case in this respect—The Unicorn in Covent Garden, where a society had long met to discuss the propriety of a parliamentary reform. The landlord was sent for to sir Sampson Wright; the man appeared, and explained the nature of the society. Sir Sampson said, it was perfectly a harmless meeting in itself, but advised him not to suffer the society to meet again, because it might give offence to the higher powers. So that a man was not to have a newspaper which he liked, or which his customers might be desirous of seeing, nor was a harmless society to be held, because it might be disagreeable to the higher powers. He was given to understand also that every thing that had passed in his house for months was perfectly known to the magistrates, as well as that of every other public house; for that they had agents employed for this purpose.—Mr. Sheridan then took notice of the expression of the attorney-general at the opening of this session, of his having two hundred cases to bring forward for prosecution only; a very few of whom had been at all brought forward, and many of those only book-sellers for selling in the way of trade, the Rights of Man, omitting all the parts objected to by the attorney-general in the trial of Mr. Paine, and for selling the Address to the Addressers, and the Jockey Club. Mr. Sheridan said, he had 200 cases to submit to the attorney-general and to that House, of real hardship sustained by innocent individuals, and which he should have stated this night, but that the unexpected diligence of the Lords had called for so much of his time last week on the trial of Mr. Hastings, as not to allow him time to collect these cases.—The next point which came to be noticed was the mode adopted on the part of the treasury, to discover persons who distribute seditious books. This was

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done by means of a circular letter all over the country, from Messrs. Chamberlaine and White, solicitors to the treasury, to various attornies, employing them as agents in this business. This was to the last degree dangerous; because it went to place in a situation to be tempted, a set of men not distinguished for superior morality, and of making them derive emoluments from the litigation which themselves, not their clients, were to create. Many attornies had, to their honour, rejected the offer with indignation. The books chiefly to be noticed were the works of Mr. Paine and the Jockey Club. He had no occasion to say any thing of these books; but neither these, nor any other books, could launch out more freely on the necessity of a parliamentary reform, than the speeches of Mr. Chancellor Pitt, and the duke of Richmond; or more grossly against kings, than the right hon. gentleman (Mr. Burke) upon former occasions. To prove this, he read passages from the noble duke's address to the county of Sussex, and to colonel Sharman, and the volunteers of Ireland, in which he asserted that it was in vain for the people to look to the House of Commons for redress, that they could find it only in themselves; that they ought to assert their right, and not desist till they should have established a House of Commons truly representing every man in the kingdom. From Mr. Burke's speech on his motion for leave to bring in his bill of reform, he read a passage, calculated to represent the peers of the realm in the most abject, degraded state. He said, he was sorry that the report was not made to the king in council, of the conviction of persons charged with misdemeanors: if it were usual to make such a report, he should like very much to hear the observations of his majesty's ministers, on the cases of some of the wretched bill stickers convicted of publishing seditious libels. When the seditious passages were read, the noble duke might say, "he borrowed that from the preamble to my reform bill." The chancellor of the exchequer might say, "that expression was stolen from the speech which I made, when I proposed my plan for a parliamentary reform." He wondered how these personages could bear their own feelings, when they knew that poor wretches were lying upon straw in the gloom of a prison, for having published sentiments, which they had solemnly professed in and out of parliament. The offence was the same in all, but mark the difference of the treatment! Punishment and a prison were the lot of one set, whilst the others were honoured with places and emoluments, and seats in his majesty's council!—He then took notice of the principles of the society, of which Mr. Reeves was the leader, and of all others formed upon that plan. These societies were described by Mr. Law, in the letter which he published on the 24th of January last, in the Morning Chronicle, stating his reasons for withdrawing from that society, and stating, amongst other things, that they proceeded against republicans and levellers upon private anonymous letters. Nothing, he said, could be more infamous than such a principle. He took notice of a sermon preached before the House of Lords, by a learned prelate (Dr. Horsley), in which his lordship complained of the folly with which people had of late suffered themselves to be carried away by a spirit of discussion about the origin of government. The slavishness of this high church doctrine, which discountenanced inquiry, could be equalled only by the want of charity, which appeared in another part of the sermon, in which the public indignation was directed against a particular description of men (Protestant Dissenters), who were represented as unworthy of the name of fellow Christians. He touched also upon a publication of Dr. Tatham, in which he accuses Dr. Priestley as an accomplice in the murder of the king of France, and told him, that whatever pretension he might have to reputation for abilities, he must give up his heart, which could in no light whatever be defended. Here Mr. Sheridan took notice of the disgraceful riots at Birmingham, and of the difficulties thrown in the way of payment of the money ordered by verdicts of juries upon trials for the damages sustained by these riots. But even this was exceeded by what had taken place in Cambridge, for, to such a pitch of insolent injustice had the system of political oppression been carried against publicans, that they were compelled to take an oath that they not only would not suffer political disputes in their houses, but that they would give an account of the behaviour and conversation of every republican they might happen to know or hear of. All this was infamous, but it was the effect of the panic he had so frequently alluded to? It was owing to that panic, that the Chan-

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cellor of the Exchequer objected the other day to the receiving of the petition from Nottingham. It was owing to that panic, that a right hon. gentleman (Mr. Burke) did not of late speak with the eloquence with which he used to command the admiration of his auditors; for now really the taste of his mind, and the character of his understanding appeared to be altered. It was owing to that panic, that his hon. friend (Mr. Windham) had brought his mind to approve what his heart had for years before abhorred—he meant the erection of barracks. It was owing to that panic that his hon. friend had prevailed upon himself to support a minister, because he had a bad opinion of him. It was owing to that panic that a learned lord (Loughborough) had given his disinterested support to government, and had actually accepted of the seals of an administration he had uniformly reprobated. But above all, it was owing to that panic that the right hon. gentleman to whom he had alluded before had lost his fine taste entirely, and had become the slave of the most ridiculous pantomimic trick and contemptible juggling—and carried about with him daggers and knives to assist him in efforts of description. It was to this panic also that the milk of the Christian religion had lost its mildness, and a spirit of intolerance had renewed its fierceness from the pulpit. He adverted to the letter signed by Mr. Windham and others, and addressed to the Whig Club, in which they signified their intention of withdrawing from the Club. Mr. Sheridan represented this letter as the effect of nothing but panic; for otherwise a gentleman could never have thought of going such lengths in favour of ministers whom he despised, and whom he could not trust, and against a man whom he affected to admire and respect. He never could have thought of withdrawing from a club, because it had nobly resolved to resist calumny, and called upon its members to rally round the champion of liberty, against whom the envenomed shafts of calumny were directed, but who, the more he was calumniated, the dearer he must become to those generous friends, who were attached to him for his virtues and his talents. When he found the hon. gentleman leagued against such a man, he declared, that though he was convinced the hon. gentleman was by nature truly brave, he verily believed the panic which had seized him, had not only affected the clearness of his head, but had violated the integrity of his heart. He recommended Mr. Grey to persevere in his intention of moving for a parliamentary reform; but he advised him not to make any profession on the occasion; not to promise that as a man and a minister he would support a reform; nor to say that unhackneyed in the ways of men, he would pursue only the paths of plain dealing and honesty; in a word, not to say that the times were not good enough for him, for all this had been said by the right hon. gentleman (Mr. Pitt) who had shown that he was a stranger to the performance of the most solemn engagement, and that if he could not accommodate himself to the times, he would make the times accommodate themselves to him. He was sure, that his hon. friend would never be found to resemble such a character; he had a lofty spirit, seated in a heart of honour; and what he was convinced was right, that he was sure he would inflexibly pursue. Mr. Sheridan concluded with moving "That this House will, upon this day sevennight, resolve itself into a committee of the whole House, to consider of the Seditious Practices and Insurrections, referred to in his majesty's most gracious Speech at the opening of the present session of parliament."

Mr. *Lambton* said, it was most unquestionably the duty of ministers to have brought forward evidence of the plots and insurrections which had been so much talked of: if there were in this country incendiaries and disturbers of the public peace, they ought to have been prosecuted and punished: it would have been the interest of ministers to have done so, as they would thereby have totally confounded the unbelieving few. He alluded to the conduct of Cicero, with respect to Catiline's conspiracy, and contrasted it with that of ministers on the present occasion. Cicero came boldly forward with a direct and precise charge, naming the whole members of the conspiracy: ministers, on the other hand, had sheltered themselves under the general and indefinite term, "notoriety," without adducing a single proof; whereas truth always spoke out fairly. He charged ministers with having given countenance to a species of inquisition of a most dangerous and tyrannical tendency. How many injurious calumnies had been thrown out against his right hon. friend (Mr. Fox), whose character stood in no need of any eulogium from

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him; but it was so exactly and so well delineated in the passage which he was about to read, that he would gladly have rummaged many a dunghill for it; instead of that, however, he had found it in a delightful garden. He then read a paragraph from a speech of Mr. Burke's, containing a high panegyrick on Mr. Fox. His right hon. friend had been indeed of late the subject of perpetual abuse; but as he did not merit it, what was intended as abuse, would in fact be commendation. Mr. Lambton proceeded to take notice of the clubs which had been so much spoken of at Derby, where no great number of persons, and they having no other object in view than the obtaining a reform in parliament, had been magnified into 1,500 republicans and levellers; and of those at Cromer and Norwich, which were equally innocent. He next alluded to the Association at the Crown and Anchor, and to the illegal and dangerous spirit of inquisition which marked their proceedings; and he read upon this subject, part of Mr. Law's letter, to whom his thanks were due for the honourable and proper part he had acted. He was persuaded, he said, that ministers had no proof of the existence of any of the conspiracies or insurrections about which so great an alarm had been industriously created, otherwise they would boldly and firmly have taken the necessary steps for the safety of the country, and the protection of the public peace in such a conjuncture, trusting to secure themselves by a bill of indemnity; but then indeed they must have come forward with some sort of proof. It appeared to him that ministers had two objects in view by the present alarm: one was, to get rid of a reform in parliament, by confounding with levellers all those who professed to wish for it; the other, to reconcile the people of this country to a war with France. He would warmly second the motion of his hon. friend.

Mr. *Windham* said, that he felt it difficult to answer the arguments of the hon. gentleman; since they were arguments in which he himself was peculiarly implicated. To a speech, however, so irregular, though various, and composed of such heterogenous materials, he should give every possible degree of method that was in his power. The hon. gentleman had used the artifice too often to be met with in polemic controversy; that of changing the question, and then arguing upon it. He had talked of plots and insurrections; but the existence of plots and insurrections had never been the question. The question was the state of the country, which, in his opinion, was such as would have led to plots and insurrections. It related to seditious practices hitherto unknown, calling loudly for an effectual remedy, and amply justifying every act that had been adopted for the prevention of their farther progress. The species of insurrection stated in the proclamation, purported to be exactly what it was: and when gentlemen called for proofs of acts of positive insurrection, they called for proofs of what had never been asserted. Of the facts which had been cited, proofs had not been given, because they were deemed unnecessary. The whole country had teemed with seditious publications; and when the state of the country had been talked of as justifying alarm, was not that fact sufficient? Another fact, no less convincing to his mind, as the foundation of national fear, was the assiduity with which those seditious publications had been circulated. To ask for proofs of the existence of those facts was as absurd as to ask for proofs of the existence of general Dumourier: and the minds of men might be as much perplexed by questions from a subtle inquirer on the one subject as on the other. Might not a man, from a combination of various disconnected circumstances, receive a convincing impression of a general fact, and yet not be able to state any particular proofs of such fact? Would gentlemen be convinced by nothing less than ocular or tangible evidence of every subject of inquiry? Such reasoners no statement would satisfy; and if he should say, that there was a discontented spirit at Norwich, they might ask what judgment he could thence form concerning other parts of the kingdom? But it happened, that his conviction arose not from knowledge of so partial a nature. He had seen symptoms of a discontented spirit, not in Norwich only, but in various other places; and when people of all descriptions, from all parts of the kingdom, seemed to concur in feeling the same species of alarm, however false particular rumours might be, such terror could not be totally unfounded; there could not exist so much smoke without fire. One of the charges that had been brought forward against government was, that they had for a long time meant to carry on a war

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against France, and therefore had created the present alarm: but to that charge no other answer appeared necessary than a reference to dates. The alarm had existed in November last, and government did not take their first measures till December. That alarm had called forth the different loyal associations which had been so much misrepresented, but which had merited the highest praise; and none more so than that which had been so calumniated, of the Crown and Anchor; an Association that had actually been the means of saving this country. When the hon. gentleman wondered that he who had been in the habits of acting with opposition should at present act with administration, he hoped that the circumstance of his having long represented the state of the country to administration, and now supported them in their measures taken for its safety, would be considered as an evidence of his sincerity on the subject. The hon. gentleman had declared that the more uniform and universal that fear might have been, the more doubt ought there to be of the existence of real danger: but this was a new theory; and to his mind it appeared more an universality of fear, than any principle of panic which that hon. gentleman could have discovered. There was not a writer on the subject, who had not boasted that this was a new era in the history of mankind; an era when light was more than usually diffused, and when public opinion was beginning to be heard, and could not be resisted. Other men might form a far different judgment; they might declare that the engine of these irresistible efforts was not that of public opinion, but that it was the engine of the press, set to work by every possible art and addressed to the passions of men, who were incapable of being actuated by an appeal to their reason. When these means had already overturned the government of a neighbouring country from its base, ought we not to guard from such fatal effects? It had been said by the agents of Mr. Paine, that the principles which would produce the same event in this country were operating with the silence and rapidity of thought. He firmly believed it: the fact was some time since to be ascertained from the general opinions of the people; from the fears of those who dreaded the event; from the sanguine expectations of those who wished it. It had been the ruin of the government of France, that they did not adopt and carry into practice timely measures of prevention; and should we not take warning from the lamentable example of that unhappy country? Who were the governors of France at this moment? People raised from the lowest to the highest situations, who domineered over the fairest cities: and a change in the political system of this country would throw power into the hands of characters similar to those in France who have followed the series of reformers, too many to be enumerated. Was the probability of such an event no just subject of alarm and danger? The massacres of the 2d of September were said to have been produced by a mere handful of men. If that were true,—if so small a number could accomplish so extensive a mischief in Paris, guarded by armed troops,—could such a city as London escape the blow?—Mr. Windham then stated a report which he had heard, of clubs having been formed, to which those who were admitted received money for their attendance, and were told that their services would be wanted on some future occasion. Such a report might possibly be untrue, but he had certainly heard it, and he had heard it from people not connected with each other. When it was asserted, that such clubs met only for the purpose of parliamentary reform, and conducted themselves in an orderly manner, he thought that the ground for alarm was greater; just as he should have more reason to fear an hostile army on being told that it was well disciplined. It was curious that gentlemen should require proofs of such a fact as that of the opinion entertained throughout the kingdom. The unanimous consent of the House of Commons, on meeting after the recess, was pretty good evidence of such a fact. As to his having canvassed for government, he denied the assertion; and he thought when misrepresentations were so much condemned, that misrepresentations of such a nature ought to have been avoided. He had before said, and again asserted, that there might exist critical circumstances of the country, in which to support administration was the first duty of men of every party. Such was the case at present, and it behoved gentlemen to be upon their guard; the fire was suppressed for a time, but not extinguished. The measures of government had already produced good effects. They had checked the operations of those

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who wished to overturn the constitution; they had stopped others from going over to their party; but he feared they had not made one proselyte. These men had now found it to their advantage to pretend that no danger had happened; like housebreakers who rested on their arms, and affected ignorance, when on the eye of detection by the family whom their efforts had awakened; but who resolved, as soon as suspicion should be laid asleep, to renew their atrocities. Mr. Windham spoke of the obstinate incredulity of the hon. gentleman in persisting to think that the alarm throughout the country was created by administration as a pretext for their subsequent conduct; and asserted that the evidence of danger was indubitable, and such as the majority of the House had sanctioned by its assent. He therefore totally disapproved of the present motion.

Mr. *Martin* said, that the conduct of ministers would have met his approbation, could he have believed that grounds of alarm really existed; but he believed no such thing.

The *Lord Mayor* (Sir James Saunderson) said, that Mr. Windham had so ably answered the arguments of the hon. mover, that he would not attempt to enter much at large into the subject; but with the leave of the House, he should take the liberty to state a few facts, which, though they might not tend to strengthen the general opinion of the House as to the existence of Jacobin societies and seditious practices in the capital, might perhaps contribute a little to remove the persevering credulity of the hon. mover. Soon after the promulgation of the king's proclamation in May, he had felt it his particular duty, as approaching to the high station in the city which he had now the honour to fill, to make diligent inquiry into the nature and end of those dangerous practices at that time stated to prevail; in consequence of which, he was soon apprized, not by anonymous or hearsay information, but by the evidence of parties who were present, and who, for the purpose of putting the magistrates on their guard, and from a true regard to the safety and welfare of the country, had affected to engage in all the mad and desperate projects at that time in agitation, that numerous societies were formed in the metropolis, frequently assembling, under the specious pretext, certainly, of obtaining a reform in parliament, or associated as Friends of the People. And here he begged to be clearly understood as not intending the slightest reflection on a very respectable body of gentlemen, publicly associated, under a similar appellation, in another place; for their purpose had been openly and manfully avowed, and the rank of the parties and the great stake which several of them held in the country, made it absolutely impossible for them to be implicated, in the slightest degree, by what he should offer to the House. But the fact was, that under one or the other of those denominations, those societies which had been checked during the summer, by the progress of the allied powers, became exceedingly active, and increased in proportion to the reverse which followed; 8 or 900 new members being admitted in one week. These societies adopted in the widest extreme the principles of Tom Paine, and inculcated under the name of a reform in parliament, principles totally subversive of our happy constitution. French opinions were recommended uniformly and artfully at all the various clubs, and disseminated with the utmost industry, into all the corners of the kingdom, and under the forms of French modes, assembling by the phrases of "Citizen and Equal," "No King," "No Nobles," "No clergy," were the subjects of their discussions; and the only remedy pointed out by the leaders, was the desperate extremity of creating a new organ, namely, a convention of Englishmen; it being roundly asserted, that parliament itself was too corrupt to admit of any other resource. Those views appearing to him equally monstrous and incredible, he had given to them but little of credence until he found, about the period when he took the mayoralty chair, that the information, which had been given to him so early as the middle of September, of an address to the National Convention, from several of those societies, a measure which he then disbelieved was actually presented, and favourably received at the bar of that body of legislators: he became from that moment pretty well convinced of the authenticity and value of his communications, and he put it fairly to the House to decide, whether, under the circumstances stated, he was not bound in duty to take every measure which prudence could suggest, both of precaution and prevention. And the citizens of London, to their immortal honour, had so warmly seconded his endeavours, that

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those societies were considerably checked; and they carried to the foot of the throne, their loyal and grateful thanks to his majesty, for his paternal care in assembling his parliament; and taking those wise and vigorous measures which had secured the peace of the capital, and the happiness and welfare of the country. The steps in the mean time taken in the city, were neither harsh nor oppressive. The magistrates only informing the publicans to be on their guard against the admission of bodies of men unknown to the neighbourhood, because wherever seditious assemblies should be permitted, their licence could not be renewed; and in all the cases of anonymous information, it was his constant rule to act upon them in no other way, than by sending for the parties, stating the circumstances, hearing their answer, and then dismissing them with friendly advice. Before he sat down, he would reply to the observation of the hon. mover on the subject of a sixpenny society expelled from the King's Arms in Cornhill. That society usually consisted of six or seven hundred persons, who met weekly for the purpose of discussing political subjects, of a delicate and important nature. It so happened, that information was brought to him, that on the evening preceding the interruption alluded to, the chairman publicly declared, without any material opposition, that he held republican principles; and, after stating to the company details of riots in sundry places, and particularly an attempt to plant the tree of liberty in Dundee, he added, that "he lamented we were not so forward." Notwithstanding this, his lordship acted only in that business on the general application of the deputy, common council, and other inhabitants of the ward, and at the particular request of the owner of the house, who honestly expressed to him his strong dislike of their late proceedings, and his determination to put a stop to them; for which purpose, he claimed the protection of the civil power. His lordship concluded with submitting his conduct to the judgment of the House, and declaring that he should vote against the motion.

Mr. *Fox* said, that from the speech of his hon. friend (Mr. Windham) at least till towards the conclusion of it, he had hoped for a speedy determination of the debate. He would not say, that he was not much interested in the fate of the present motion, but his anxiety was greatly lessened, from the reflection, that great part of its object had been already obtained; for to have drawn from his hon. friend, now so strenuous a supporter of, and so much in the confidence of the minister, a total disavowal of all those supposed plots and insurrections by which the late alarm had been excited, was undoubtedly a great point gained. His hon. friend had now expressly acknowledged, that no insurrections or plots, in the sense meant by the mover of the present question, had ever existed. But did this agree with what had been held out by ministers? No: plots and insurrections of different kinds, and in different places, had been held forth; a conspiracy had even been talked of for taking possession of the Tower, and the time specified when it was to have taken place. All this, however, was now given up. His hon. friend seemed fond of dealing altogether in generals, and in his support of the present administration, he had adopted the prudent plan of giving up both fact and argument; for he could otherwise give them no consistent support. He complained of being misrepresented when he was stated to have said that he gave ministers his support, because he entertained a bad opinion of them: but he did unquestionably say, that his obligation to strengthen the executive government might become, on that account, the more binding. There seemed, therefore, little ground to complain of misrepresentation. Was it however, said Mr. Fox, or could it be deemed unreasonable, that the denial now given by his hon. friend should be given formally by the House, that they might give a vote of quiet to the minds of the people? This, the fortifications at the Tower, and other circumstances calculated to impress the minds of the people with serious alarm, rendered the more indispensably requisite.—Mr. Fox next adverted to what had been said of the clubs at Cromer, in Norfolk; and urged, that if his hon. friend had been so much misinformed, as he had undoubtedly been, with respect to what had happened in a village within two miles of his own house, he should have hoped it might have led him to be more jealous of the information he received as to other clubs and associations. Mr. Fox said, that he and his friends were not obstinate infidels; they desired only to be convinced, and would readily alter their opinion if they saw any reasonable evidence to induce them so to

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do. As to what had been said by his hon. friend, that no pretext had been held forth by ministers to justify the proclamations for calling out the militia, and for the meeting of parliament, but that they had fairly and distinctly stated the fact; he mut beg leave to observe, that a true fact might frequently be used as a false pretext; and here, by his hon. friend's own account of the matter, the insurrections satisfied at most but the letter of the law; while a cause totally different, and unconnected either with these insurrections or with the purview of the act of parliament, was recurred to in order to satisfy the spirit of the act. The worthy chief magistrate for the city had observed, that the number of disaffected had decreased in November, but that they now increased. And was not a war the very means of procuring such increase; Mr. Fox now adverted to the proceedings of Mr. Reeves's association in receiving and considering anonymous informations, and transmitting them to government; which he reprobated in the strongest and most emphatical terms, as destructive both of the peace and character of individuals in all probability innocent, and totally subversive of every principle of liberty.—With respect to the present circumstances of the country, Mr. Fox said it was undoubtedly true, that many of those friends whom he highly respected, and with whom he had long been accustomed to think and act, entertained a much greater degree of alarm than he did, and, of course, differed with him in some degree as to the extent of the support which should be given at this time to the executive government. They acted, he knew, on the most honourable principles; and he had the satisfaction also to know, that that temporary disagreement in opinion on the present occasion, made no difference whatever in the great line of their political principles; in their disapprobation both of the general system of the present administration, and of the way by which they came into office. He said, that the direct lie had now been given to the contents of many pamphlets equally dangerous with any of Paine's books, particularly one, called the Dream of an Englishman, and others; which had been industriously circulated to spread alarm and distress over the face of the country. Was it to be held a justifiable expedient of government to tell the public, that treasons and conspiracies existed, and neither to prosecute nor endeavour to discover the conspirators and traitors? He and his friends might be supposed to speak as if they felt galled upon the subject. He owned he did speak with some such feeling, because he knew it had been confidently said, that letters had been written by him and his friends, to persons in France, of a dangerous tendency, and that it was only owing to the lenity of ministers that they were not produced. If ministers were in possession of any such letters, he challenged them to the proof. But he should be told, it was an awkward thing to produce letters opened at the post-office. To that he should answer, the awkwardness was in opening them at the post-office. It did, however, so happen, that for, he believed, more than two years, he had not had occasion to write a single letter to France, except one to an English friend (lord Lauderdale) when at Paris. Again he should be told, that he had seen Frenchmen in this country; that he had seen the French minister. He had seen Frenchmen here, and had seen the French minister; but he had yet to learn that it was any crime for him or any gentleman to see the minister sent to our court from any country. He knew of no law by which members of parliament, like senators of Venice, were prohibited from even conversing with the ministers of foreign states. Was it not a situation of the country horrible to relate, that men's correspondence and conversation were to be pried into with such inquisitorial jealousy, as to make it dangerous for them to commit their thoughts to paper, or to converse with a stranger but in the presence of a third person? Let the House do away all these suspicions and rumours by an honest inquiry, and restore the public to that freedom and confidence, both of writing and speech, which it was the pride of our constitution to bestow, and which became the frank and open character of a free people.—His hon. friend had said, that these plotters against the constitution were only quiet like a gang of housebreakers who had disturbed the family, watching for an opportunity to repeat the attempt: but what would be the conduct of his hon. friend if he were really alarmed by housebreakers? Would he make no inquiry to discover the gang, and thereby prevent them from repeating the attempt? Or would he adopt the spirit of a bill once proposed in that House, in consequence of numerous burglaries, of which Jews were suspected to be the perpetrators?

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The tenor of this bill was, that any Jew or suspected person seen looking down an area, should be guilty of death. If the House refused to inquire into the grounds of the suspicions to which they had given the sanction of their belief, they put every person upon whom suspicion fell into almost as bad a situation as the suspected persons under such a bill. A circumstance respecting the secession of some gentlemen from the Whig club had been alluded to, which he could have wished had not been mentioned in that place. The hon. gentleman said he had canvassed for no persons to join him in that secession: but was not the very mode in which he had done it a canvass? He was sure that the hon. gentleman was his friend, because he told him so: he knew that he was the friend of the hon. gentleman; but had he no other proofs but the circumstance just mentioned, and the publication connected with it, he should not be so presumptuous as to hope that any friendship existed between them. His hon. friend, whom he never suspected of intending to support administration in any other mode than that which he professed, was, perhaps, raising a sort of independent corps, and some might be induced to join it, preferring that mode of quitting their old friends to a more open desertion. But his hon. friend would recollect, that these independent companies, when once raised, where always incorporated with the regular battalions. The operation of fear was not easily calculated, when they saw already that it had made a chancellor. To his hon. friend it had produced only reputation. He was now extolled as one of the very first men in the country, not for those virtues and abilities that well entitled him to the rank, but for his quick sense of alarm, and his perseverance in dismay. When fear could thus confer both profit and reputation, there was no saying to what men might aspire by this glorious kind of magnanimous timidity. Mr. Fox concluded with declaring, that he was still incredulous, and should vote for inquiry; which was never more necessary than when the situation of the country was apprehended to be dangerous.

Mr. *Windham*, in explanation, said, he had stated that insurrections, however they might justify the conduct of ministers, were not the ground of his opinions, or of his conduct, but the general state of the country. With respect to the conduct of Mr. Reeves, he had praised only in general terms his giving birth to the associations which had done so much good. With the mode of receiving anonymous information, he was not acquainted, he had not commended it, and he was not prepared to condemn it. He begged to be understood as giving no opinion upon it; if in any proceeding which he had thought it his duty to adopt, there was an air of hostility to his right hon. friend, there was no man that lamented it more sincerely than himself.

Mr. *Burke* said, that as they were divided into the alarmed and the alarmists, it was a great addition to his alarm, to hear a great statesman advance principles, which our government, and every rational society, totally disclaimed. The right hon. gentleman had said, in substance, that if a domestic faction was combined with a foreign enemy, we must not declare war againt the foreign enemy, for fear of strengthening the domestic faction. Very differently had our ancestors thought and acted at the Revolution, in the reign of queen Anne, of George 1st, and George 2d; at each of those periods there were many persons at home dissatisfied with the government, but that did not deter ministers from declaring war against France. To be deterred by any such motive, would be to declare faction triumphant. To the reverse of such policy was it owing that we had been able to preserve our monarchy, our Peers, and our Commons. Were we to wait till France could turn against us the force of the countries she had conquered and pillaged? for that was her mode of making war. Till Dumourier had plundered the bank of Amsterdam, so intimately connected with the bank of England, that they might be said to be the same?—The hon. gentleman had opened his motion in a style of gaiety which, in another person, might have been thought to savour of malignity; but his arguments were not very conclusive. If it was said that the ministers had excited a false alarm, from their terrors of a parliamentary reform, it might be asked, whence came those terrors? Neither the hon. mover, nor his hon. friend near him (Mr. Grey), though they were always talking of reform, had ever made any motion on the subject. The right hon. gentleman (Mr. Fox) had always declared, that he had never seen any plan of reform of which he thought so well as to propose it to the House; and it was not very candid in any man, who saw the subject in that point of view, to be

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goading others to undertake it. The minister had done more on the subject than any man in the House—more than he thought it wise for any man to do. He had twice moved it in parliament, and once got it recommended from the throne; the latter was a measure of which he most pointedly disapproved, as tending to make the people believe that they were not properly represented. He had heard many motions for these reforms, and had always opposed, but never dreaded them, while previous steps were not taken to infuse into the people distrust and contempt of their representatives. He said, he had ever been and continued to be an enemy to a parliamentary reform, because he thought that a proposition of the kind was a mode of telling the people that they were not represented, at a time when that House effected every object of representation, and answered all the purposes of good government; and he therefore conceived it to be a measure that would endanger a main and essential part of the constitution of the country. Mr. Burke expressed a hope that Mr. Grey had given up his intention of making a motion respecting a reform in parliament, and presuming that either that was the case, or that the hon. gentleman meant to delay it for a while, he commended his prudencc. Whether something might not be done to correct unimportant defects here or there, he neither knew nor cared, while the general system was preserved entire; and to that he feared no danger from sober discussion in that House, independent of factious combinations abroad.

The war, Mr. Burke said, gave no solid increase of power to the minister. By it he hazarded much more than he could gain. He risked that which was the basis of his popularity, his system of finance; and consequently had no motives of personal interest for doing that late which he ought to have done early. The victorious enemy whom we had to engage (and sorry he was to say that they were victorious) had long been connected with a faction at home, whose object was, to force us into an alliance with the French, for the purpose of jointly propagating their mischievous principles. To prove this, he read extracts from the correspondence of the Revolution Society in 1791 with twenty-seven Jacobin societies in France, and the names of the members of the committee of correspondence for that year, to show that they were not men of mean station or inconsiderable influence. Of the sentiments contained in this correspondence, all adverse to the constitution, two persons, not members of the society, had put their names in testimony of approbation. These were Mr. Paine and Dr. Priestley; the former now a member of the French Convention, and the latter, (his great services to philosophy, politics, and religion, not having been sufficiently rewarded in this country), had been honoured with the citizenship of France, because he had declared hostility to the constitution of England. When he knew that this had been going on for four years, was his alarm to be called a vain alarm? On the 18th of November, a set of Englishmen at Paris had presented an address to the Convention, imploring their good offices in new modelling the British constitution; and on the next day was passed the famous decree for encouraging rebellion in every country. Another society had made a donation for carrying on the crusade of French liberty, which the Convention was graciously pleased to accept, and promise in return aid and protection to its new subjects. He begged to disclaim such protection. He would not have Dumourier, powerful as he thought him, to protect the British constitution. He would trust rather to our own ministers, were his opinion of them ten times worse than it was. Messrs. Cooper and Watt had presented an address, and carried the British colours in a procession; and on what occasion? the most infamous that ever disgraced the name of government. A set of soldiers had been tried by a court-martial, and condemned to the gallies. These were fit men for the republicans of Paris. They might be useful—though bad soldiers, they might be good murderers. They were released in contempt of the assembly then sitting, brought to Paris, and paraded in triumph through the hall. On this detestable occasion, Mr. Cooper and Mr. Watt carried the British colours. They were locked in the fraternizing embrace. They received the fraternizing kiss. They went from the hall of the Assembly to the hall of the Jacobins, where they kissed the bloody cheek of Marat, the iron cheek of Pluto instead of Proserpine.

"What ardent transports through their bosoms ran,
Clasp'd in th' embraces of the godlike man!"

At Manchester a subscription was opened for the widows of the Marseillois who fell

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on the 10th of August. The massacre of the 10th of August was never called by its proper name; the murders committed on that day which murdered the constitution, were not murders, but acts of national justice, of which all were emulous to share the glory. When Brissot, Petion, and their party, had murdered or filled the prisons with their opponents, and obtained power for themselves, they became all of a sudden great lovers of order; but when another party that wished to supplant them murdered these very prisoners, which they were suffered to do unopposed, and were preparing to remove the new men in power, as they had removed their predecessors, then, and not tlll then, they exclaimed against the massacre of September as a thing totally different from the massacre of August, and in which the nation had no part. What was murder in one month was not murder in another. They reminded him of the directions in old almanacks—in such a month let blood—in such another take cooling physic. But the people were not quite so nice in their distinctions as the Convention. When the latter ordered that the murderers of September should be prosecuted, the forty-eight sections came with an address, and said "these murders were our act; they too were national murders: we were all engaged in them: will you prosecute eight hundred thousand people?" They did not ascribe these murders to the invasion of the Austrian and Prussian armies, an excuse first invented for them in that House; they said, that the persons murdered were aristocrats, who had contrived to get themselves crowded into all the prisons, from which, as from so many forts, they might sally forth on the Jacobins, the first convenient opportunity. What would the hon. gentleman, who was such a critic in plots, say to so well-devised a plot as this? Mr. Burke dwelt upon this topic for a considerable time, enumerating the priests and the women that were murdered. Among these was the princess of Lamballe. It happened that her head was cut off, and it happened, that next day M. Egalité got her jointure. [Mr Fox, by some gesture, expressed his disbelief of this. Mr. Burke hastily asked, if it was untrue? Mr. Fox said, certainly; but not more untrue than much of what he had stated besides. Mr. Burke said, he had stated nothing but on accurate inquiry, and with the proofs in his possession; and any man that said his assertions were untrue, without confuting them, and showing how they were so, was a calumniator. Mr. Fox called to order, and said, if the right hon. gentleman meant to affront him personally, he should do that elsewhere. With respect to his assertions, six of them had been confuted in one day. Mr. Burke was again going on with the same subject, when the Speaker reminded him that it had no relation to the question before the House.]

Mr. Burke continued. He said, the subject was not introduced into the debate by him. He could not bear patiently attempts to pervert the English character by apologies for murders. A newspaper, the Morning Chronicle, in the month of November, attempted to apologize for those murders, as acts of substantial justice, though shocking to humanity. Mr. Burke pursued his subject in the way of question to Mr. Fox, and being again called to order, adverted to Mr. Sheridan's charge of bad taste for introducing the trick of a dagger on a former debate; whose manner, he said, seemed rather to be borrowed from his new connexions than to be the natural growth of his old principles. He read a long letter from a manufacturer at Birmingham, giving an account of the order given by Dr. Maxwell for making daggers there, and said, the only error he had committed in mentioning the business before, was in stating that three thousand were ordered and seventy two made; whereas in fact ten thousand were ordered, and four thousand had been made. He remarked on some publication by a Mr. Oswald, now in Paris, who expressed his hopes that all government by representation would soon be at an end, and that France would be freed from the iron yoke of property. This was now in agitation all over France. The old proprietors were pretty well got rid of by murder or confiscation. Those who had shared in the plunder were endeavouring to make a stand, but they would soon be overpowered. The sovereignty of the people was the most false, wicked, and mischievous doctrine that ever could be preached to them. It was false, because they had no means of exercising their sovereignty. And why was it broached? Under a delusion, to strip them of their natural guardians, to kill the shepherd and his dogs, and make way for the wolves. If the majority of the public was to be taken not by weight, but by tale, the most ignorant would elect, and none but the crafty and the wicked would be elect-

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ed. It was said to be dangerous to introduce an opposition of interest between the rich and the poor. Was not this very opposition now the question all over France and Flanders? The right hon. gentleman who warned the House of this danger, said, the man who possessed no property had as much interest in the constitution and good order of society as the man who did. True, an interest visible to every well-informed man, but by no means so to the ignorant. The moment that equality and the sovereignty of the people was adopted as therule of government, property would be at an end, and religion, morality, and law, which grew out of property, would fall with it.

The right hon. gentleman had talked of desertions from the party of which he was the leader, from weariness of travelling so long in the barren track of opposition. The deserts of Arabia had no charms for these deserters: but perhaps, if a caravan travelling through these deserts should find that their leader, from passion or obstinacy, had wandered from the right road, and that by following him they were in danger of being attacked by some plundering sheik, they might be allowed to think a little of their own safety, and take measures for securing it, independent of the caravan bashaw. He could say for himself, that he had deserted no party, and that of those with whom he had been accustomed to act there was not one that differed from him in opinion on the present state of affairs, or disapproved of a single vote he had given in the course of the present session. Those who had incidentally joined that party by the way had no claim upon him. He had a high opinion of the right hon. gentleman's abilities, but he could not submit his judgment implicitly to the abilities of any man. The right hon. gentleman had learned from Dr. Price, that kings might be cashiered, but seemed to forget that the leaders of parties could do wrong. Yet if the leader should seem to consider the party as made only for him, instead of considering himself as but a part of it; if he should adopt a line of conduct without consent or consultation; if he should make speeches and motions, as if he meant to say, "you dislike what I did to day, I will do more to-morrow; if you disapprove of what I do to-morrow, worse awaits you for the day after that;" it might then be supposed that the party was at liberty to leave him. Mr. Burke pursued this allusion to a considerable length, tending to convey an idea that Mr. Fox had acted during the present session without consulting with his friends. Fears, the right hon. gentleman said, had made a chancellor. In times of difficulty and danger, those who saw the danger, were meritorious in accepting offices of trust and responsibility. In such times every sacrifice to the public good must be made by every good citizen. The right hon. gentleman himself had sacrificed no interest to the value of a cat's whisker. He was only sacrificing to the vilest idol that ever was set up. Mr. Burke concluded with discussing the difference between party and faction, and expressing his entire disapprobation of the present motion.

Colonel *Macleod* said, the right hon. gentleman had ventured to renew one of the most unconstitutional propositions he had ever laid down, namely, that the living mass of humanity did not enter into the constitution. With respect to the insurrections in Scotland, he quoted a recorded speech by the president of the court of session, expressing the surprise and concern of the court, on being informed of these insurrections by the king's proclamation, and the debates in parliament. Thus these insurrections, which had been stated as the cause of the late extraordinary measures, were totally unknown to the fifteen judges of Scotland, till signified to them by the proclamation, which they could not believe, till confirmed by the debates in parliament.

Mr. *Sheridan* said, that the gentlemen who opposed his motion had said so little that was applicable, and that little tending rather to confirm, than to refute the propriety of it, that he had nothing to reply to. With respect to any harshness of expression imputed to him, no affectation of candour should ever induce him to spare those whose conduct seemed studiously calculated to throw discredit on the principles he maintained, or the friends with whom he acted.

Major *Maitland* said, he had no personal acquaintance with Dr. Maxwell, but he knew, from undoubted information, that the daggers ordered by him were intended for no such purpose as had been insinuated, but as a weapon for horsemen, armed with rifles. The same construction might, with equal plausibility, have been put upon the daggers of a company of light horse, armed in the same manner in the American war,

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The motion was negatived without a division.

The King's Message respecting employing a Body of Hanoverian Troops.] Mr. Secretary Dundas presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty having judged it expedient to employ in the service of Great Britain a body of his Electoral troops, for the purpose of assisting his allies the States-general of the United Provinces, and of prosecuting in the most effectual manner the just and necessary war in which his majesty is engaged, his majesty has directed an estimate to be laid before the House of Commons of the charge attending the employment of the said troops; and his majesty relies on the zeal of his faithful Commons, that they will be ready to make the necessary provision for maintaining the same. G. *R.*"

The Message was ordered to be referred to the consideration of the Committee of Supply.

Debate on the Budget.] March 11. The House having resolved itself into a Committee of Supply, to which the several accounts relating to the revenue were ordered to be referred,

Mr. Chancellor *Pitt* rose. He said, that on entering into the inquiry which was about to occupy the attention of the Committee, it was scarcely possible to forbear from making some observations on the present existing circumstances of the country. The House having pledged itself, and, in so doing, having pledged, the country, to prosecute the just and necessary war in which we were involved, with vigour and effect, he thought it his duty to take the first opportunity of laying before the committee a full, accurate, and impartial statement of the expenses of the present year, and the resources from which he proposed to supply them. In the course of this investigation, it would be necessary for the House to recollect the opinion it had expressed of the nature of the struggle in which we were involved, and with which opinion it had approached the foot of the throne. According to the terms of this spontaneous declaration, the House had avowed, that the nation was engaged in a contest in support of a beloved monarch who had been derided and vilified by our inveterate enemies—of a constitution which was the source of our pride and the cause of our happiness, but which had been first ridiculed and despised, and finally was sought to be overthrown by these same enemies—of the laws under which we lived, and by which we were protected—of the religion which our ancestors professed, and on which we rested our hopes of felicity—and, lastly, of our liberties and privileges as an independent state. From the energy of the executive government, the country have to expect every thing—and the executive government have to expect, and will certainly receive the unanimous support of this House as long as they shall continue to adopt such measures as may contribute to the vigour of operation. Though he could not help lamenting the necessity he was under of continuing burthens which, on their being first imposed, were intended to be merely temporary, yet he was fortified by this consideration, that any attempt to alleviate these burthens just now, would only add to their future pressure. At this eventful moment, it was his business to forego the consideration of what was past, and make provision for the exigences of the present moment. A vigorous and active prosecution of the war was now the most indispensable duty, as well as the highest interest, of the nation. In making provisions for the public service, it was his wish to meet the desires of the House, and of the people at large. In a season of emergency like the present, large expenses could not be avoided, nor ought they to be spared. True economy would consist, not in limiting the extent of our expenditure on the estimate which, in the commencement of a war, could seldom be formed with much accuracy, but in a vigilant attention to the proper application of the funds voted for the public service. The latter the public had certainly every title to expect; and in return he would look with confidence to the country for every degree of assistance and support. Whatever degree of exertion we might be called upon to make, it was not his intention to delude the community. It was his intention to lay before the House, annually, an account of the public income and expenditure, during the continuance of the war, in the same way that he had been accustomed to do in time of peace. The committee would certainly recollect, that it was impossible to specify every contingent expense which might arise during the course of hostilities; but in general it was his intention to bring every article of ex-

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pense capable of being ascertained within the account of the current year, and not suffer the surplus to accumulate, and which, by that means, at the return of peace, would only come upon the people with additional pressure. He likewise begged leave to inform the Committee, that it was his design never to forget the system which he had introduced, and from which so much advantage had already been derived, of setting aside an annual million for discharging the national debt; and it was also his intention not barely to suffer this annual million to remain untouched, but likewise to add to this fund the sum of 200,000*l.* every year. He would also avoid an accumulation of unfunded debt, and in general endeavour to bring every sum which was expended to account annually. —Mr. Pitt here stated the supplies necessary to be provided for:

SUPPLY.

NAVY:			
25,000 seamen, including marines	£.1,300,000 0 0		
20,000 ditto	1,040,000 0 0		
Ordinary £.669,205 5 10			
Extraordinary 387,710 0 0			
	1,056,915 5 10		
Excess of navy debt beyond the estimate of the Committee	575,000 0 0		
		3,971,915	5 10
ARMY:			
Army	£.2,573,187 18 0		
Hanoverians	455,851 14 8		
Militia	939,519 15 7		
		3,968,559	8 3
ORDNANCE:			
Ordinary, Extraordinaries £.502,686 13 5			
Additional Estimate 281,079 18 8			
	783,766 12 1		
Cobb at Lyme	9,802 4 0		
		793,568	16 1
		£.8,734,043	10 2
Miscellaneous Services		175,844	11 2½
DEFICIENCY OF GRANTS:			
Arising from interest on exchequer bills, Lottery, Deficiency of ways and means		222,325	2 4
Deficiency of land and malt		350,000	0 0
Contribution to be made annually to the sinking fund		200,000	0 0
Exchequer bills to be funded		1,500,000	0 0
		£.11,182,213	3 8½

In these calculations he had estimated the excess according to the lowest computation of these expenses on the peace establishment. There were, however, certain articles of expenditure which he had before stated to be of a contingent nature. The House at present had only voted 45,000 seamen, who had an allowance of 4*l.* a month per man; but considering the important nature of the contest in which we were involved, and the powerful maritime allies by whom we were assisted, he did not mean to say that the strength of this country would not be further exerted. The committee would also remember, that perhaps it might be deemed expedient to increase the monthly allowance which was made to the seamen already voted. The transports which must be employed in sending our troops into Holland—other foreign forces, as well as the 12,000 Hanoverians being taken into British pay, or perhaps encampments, were all articles of expense, of the possibility of which he wished to warn the committee. Some part of this expenditure might be provided for from the fund which had been set apart for the relief of the American loyal-

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ists, and from the profits arising from the lottery. He would not, however, pledge himself for the sufficiency of all these sources of supply: the experience of what had happened during the first years of the war before the last, during which period the expenditure had always gone beyond the provisions made for it, would be a sufficient reason to deter him from so doing. In order, therefore, fairly to meet this difficulty, he had estimated these extraordinary expenses at one million and a half. This sum he proposed to raise by granting exchequer bills to its amount, on a vote of credit; though, at the same time, as he did not wish to increase the circulation of these bills, he intended to discharge those which were already issued, to the amount of one million and a half. —Mr. Pitt next proceeded to state the ways and means by which these expenses were to be defrayed:

WAYS AND MEANS:

Land-tax		£.2,000,000
Malt		750,000
Surplus of consolidated fund, on 5th January 1793		435,696
Surplus of consolidated fund on 5th April 1794, viz.		
Expected surplus on 5th April 1793	£.274,000	
Expected surplus of the four quarters to 5th April 1794, estimated on the four years average, after deducting 220,000*l.* for duties, to be appropriated to pay the interest of money to be borrowed	2,185,000	
Imprest monies to be repaid	250,000	
Money to be paid by East India company	500,000	
		3,209,000
Money from the commissioners for the national debt, including the annual contribution of 200,000*l.*		1,650,000
Continuation of temporary taxes		255,000
		£.8,299,696

With repect to the surplus on the revenue of last year, though he had not calculated that it would arise till April 1793, yet he had the satisfaction of informing the committee it had arisen so early as the 5th of January last. He had last year stated the produce of the consolidated fund considerably within its value, and he was resolved to use the same caution upon the present occasion. However sanguine his expectations might be, yet as it was absurd to form any calculation on the chances of war, he thought it most proper to make a calculation on the average produce of the four last years, deducting from the amount of such product the sums arising from taxes which have been since repealed, and the arrears which may be due of those which still remain. It was likewise his design to continue the temporary taxes which had been voted on account of the Spanish armament. They had been attended with no particular inconvenience to the country, and would consequently be submitted to with less reluctance than any fresh imposts. There was one article in the account, which he imagined would hardly escape without any animadversion —an article which, when his right hon. friend had mentioned as a possible source of supply, had been ridiculed as visionary and chimerical. He meant the surplus arising from the revenue of the East India company. Though at the time at which the right hon. secretary (Mr. Dundas) had made the remarks, neither he nor any other of his majesty's ministers could foresee the war with Tippoo Saib, nor that in which we were at present involved, yet it must be a ground of congratulation both to themselves and their country, that this prediction had been so amply verified. His right hon. friend had given in his statement of the revenue of India in a manner which tended to provoke inquiry; and as no comment had been made on this statement, the committee must conclude it was open to no imputation. The same candour and openness had been adopted in bringing this matter before the public at large; and its silence would lead to a similar conclusion. Though no regulations for the government of India, or the commerce of Great Britain with that country, were at present before the House, yet it could hardly be imagined that any would be adopted which could be productive of mischief to the nation, or diminish the advantages resulting to us from our Oriental possessions.

The remainder of the sum which was required, he proposed to raise by way of

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loan. Part of this sum, to the amount specified in the account of Ways and Means, he proposed to borrow from the commissioners appointed for paying the national debt, who were empowered, by the act of parliament under which they obtained their authority, to negociate such a loan. The residue he proposed to raise by individual loans. The particular terms of such loans he had not specified, nor even his desire of entering into them at all, till the accounts were fairly before the House, and every one apprized of the state of the revenue of the country. According to the present price of stocks, and recent events were not likely to diminish their value, he would lay before the committee a general statement of the whole subject, in one connected point of view.

GENERAL STATEMENT:

Amount of supply	£.11,182,213	
Ditto of Ways and Means	8,299,696	
	2,882,517	
Add money from commissioners	1,650,000	
	£.4,532,517 — say	4,500,000
4,500,000*l.* at 75 per cent. is equal to		£.6,000,000
6,000,000*l.* at 3 per cent. is equal to	£.180,000	
To which add an additional 1 per cent.	60,000	
	£.240,000	
10 per cent. on assessed taxes	£. 90,000	Temporary taxes to be continued.
British spirits	112,000	
Bills and receipts	68,000	
Game duty	17,000	
	£.287,000	

Such were the large and ample provisions with which he could supply the exigencies of the country in her present emergency. In the detail into which he had entered, he trusted the committee would do him the justice to acknowledge he had shrunk from no dificulty, he had diminished no inconvenience. He had stated the contingent expenses of the war at a very high average; and had used the same latitude in calculating the amount of the unfunded debt. In a state of warfare, however well founded and ardent our expectations of success might be, to pretend to exemption from misfortune would be arrogance, and not to guard against its influence would be folly. Some considerations must, however, suggest themselves to the committee, which must give much consolation even in the most trying circumstances. He had grounded his opinion on an estimate of four years; and in forming that opinion, he had purposely avoided stating a surplus sum of 900,000*l.* which had arisen during that period; nor did he now mean to state it as a resource, but merely to show we were in that state of preparation for sinister events which was the most certain presage of good fortune. Experience had taught, that commerce could flourish during war, by its great increase during the last years of the war before last; and if the same thing happened in the present instance, no additional burthen would be imposed on the people. He did not now wish to draw a flattering or delusive picture; and, pleasing as the prospect was, he had not offered a single word upon the subject, at the discussion of any question which arose previous to the rupture with France. Without any information on this head, he had rejoiced in seeing the House, and, through that organ, the nation at large, expressing their willingness to run every risk in support of the cause in which we were engaged. He was convinced there was no occasion to call in aid of our spirit any particular circumstance, for in a cause wherein every thing that was dear to us was at stake, we should chearfully give up part for the purpose of securing the quiet possession of the remainder. This was the reason why he left the question to the unbiassed good sense of that House, and the people of this country; and he had the satisfaction to feel that there was one general sentiment and con-

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viction upon the subject. He believed it would be easily conceived that he, for one, who had placed his chief glory in promoting the commercial prosperity of the country, increasing the revenue, and gradually discharging the principal of the national debt, would never have countenanced the idea of a war, which would so counteract these views, if he was not thoroughly convinced that war was not only unavoidable, but under the circumstances of the case, absolutely necessary to the existence of Great Britain and Europe. In every point of view the justice of the war on the part of this country was evident. It had been often said by a right hon. gentleman (Mr. Fox) that the only, or almost the only ground on which war ought to be undertaken was, to vindicate national honour. On that ground the present war was to be justified; for the malignant enemy with whom we were contending, had wounded it in the tenderest point. France had repaid our scrupulous neutrality with insult and outrage; she had presumed to interfere in the internal concerns of England; she had threatened to pull down our darling constitution under which we had so long flourished and been happy, and to force upon us her own principles of anarchy and confusion: she had levelled her shafts even against the sacred person of our king, who was the object of our love, our gratitude, and our veneration: she had endeavoured to separate the parliament from the nation, and raise the people against their representatives and legislators: she had dared to receive from this country ambassadors of treason and sedition; and had left nothing undone to overthrow the whole government of Great Britain. England had more than once waged war to maintain the succession to the crown in the line on which it had been entailed by act of parliament. France would now set aside not merely this prince or that family, but cut off the succession wholly, and destroy not only the monarch, but the monarchy itself. England had waged war to resist a pretender to her crown, who however hostile he might be in his heart to the liberty of this country, certainly never professed an intention to alter any of the established forms of our government; but France aimed her blows not at this or at that part of the constitution, but at the whole of the venerable fabric, which it was her earnest wish to level with the dust. Whatever may have been the opinions of some upon former wars, on this (said Mr. Pitt) I believe there is but one general feeling. We were speaking the language of our hearts, when we said it was different in its nature from every other we ever heard of—a war in which our fortunes, our liberties, our lives, the security of Europe, the cause of justice, humanity, religion, and the safety of the world, were deeply interested. Thus feeling, he should be ashamed to say he believed there was a man among us who would not use his utmost efforts in such a cause. He could have wished to have made some contrast between our situation at this moment and that of the power with which we were engaged. It was a contrast of which he did not wish to speak much at length, but he believed he might say there was not one man in that House who entertained a doubt of the advantage we had on the contemplation of that contrast, as applied to internal government and sources of revenue. If we were ever justified in going to war for the preservation of the general balance of power in Europe, when could we be more loudly called upon to do so than at a time when nothing but our interposition could save it from subversion? We had frequently conceived ourselves bound to support the Protestant religion; but the present was no contest in the defence of the dogmas of a Luther or a Calvin: it was the struggle of every form of devotion, and every system of piety, against those whose principle was infidelity, and whose code was persecution. He had known us to be engaged in a war upon a contest for succession to the throne, but now we were not engaged in a question which family should reign upon the throne but whether we should have a throne at all—not whether we were right or wrong in declaring a change in the succession of our monarchy, but whether we should have a monarch—not whether any particular act of parliament was right or wrong, but whether we should have any legislature to enact it. We were engaged with a set of men who were at war with the whole world, and every thing that was valuable in it—who had sworn hostility to the whole fabric of our constitution. All circumstances concurred to make it our duty cheerfully to proceed, and to convince our enemies that we are not to be discouraged from our enterprise by its magnitude—that we were engaged in a cause, our exertions for the sake of which

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should terminate only with our lives. Upon that ground it was that he should hope for the concurrence of that House, and the support of the country.—Mr. Pitt then moved his first resolution.

Mr. *Sheridan* said, that whatever difference of opinion there had been respecting the necessity of the war, yet the country being actually engaged in it, the right hon. gentleman had done but justice to the House in assuming that his propositions that day would meet with their unanimous assent. The right hon. gentleman had, however, called on the House to watch the whole of the business with vigilance, and even with jealousy. The call was not necessary to him (Mr. S.), for he had uniformly acted on that principle upon all revenue questions, and without apologizing for an essential act of duty, he would always continue to do so. Under this impulse, although he gave the minister credit for the fairness of some of his statements, yet he must frankly say that he had felt the jealousy recommended much awakened by the very extraordinary appeal to the passions of the House; with which the right hon. gentleman had concluded his speech. There was little novelty in it, except the novelty of introducing in a day devoted to figures, all the arts of declamation. He had suddenly laid down his pencil and slate, as it were, and grasping his truncheon, had finished with an harangue more calculated for the general of an army going to storm a French redoubt, than a minister of finance discussing accounts in the sober hour of calculation with the stewards and attornies of a burthened and patient people. Whenever he saw exertion and eloquence so misplaced, he always suspected there was some weakness to cover in the subject itself. He was the more led into the apprehension by some very alarming hints the right hon. gentleman had dropped respecting new connexions still to be formed. It seemed the expensive corps of 12,000 Hanoverians were not the only foreign troops we were to pay: new subsidies to foreign mercenaries were announced, and in a manner that seemed to avow that government was adopting the general principles and views of the Austrian and Prussian confederacy, which he had hitherto flattered himself had not been the case, whatever had been the wishes and arguments of some individuals in that House. He had been in hopes that the war was undertaken on the general ground of opposing the dangerous increase of the French power, and on the principle of never permitting this country for a moment to hold its independence at the mercy of any other power on earth; but he was sorry to observe symptoms of adopting the contrary line now first appearing in the words and conduct of the minister. He hoped he was mistaken; for whatever was said of the popularity of the war, he was confident that it was not intended by the nation to be that *bellum internecinum*, that crusade for the extirpation of opinions, and of forms of foreign governments, which some had rashly recommended. He agreed that Mr. Pitt had not overloaded our average income; but he gave the most decided contradiction to his statement, that if peace had continued, or whenever peace should be restored, there would be a balance, after paying the peace establishment and the surplus million, of nearly 900,000*l.*; this was proved by facts and figures to be a gross fallacy. The total income of the year would be something short of seventeen millions. This, said the right hon. gentleman, is 900,000*l.* more than is necessary for a peace establishment, and therefore we may reckon on 900, 000*l.* whenever peace shall arrive. What a mode of arguing! Ten years had passed since the American war, and never had this year of peace establishment arrived! Not one single year in which our expenditure had been less than seventeen millions! Were we ever likely to see it less? Were rigorous reduction in all our military services likely to be the characteristic of a future peace? And when that peace was obtained, was another ten-years interval to take place before the establishments were to be affected by it? To hold out such hopes was trifling with the country. The improbability of our revenue continuing at its present standard, was also a matter of serious consideration. The more general the war, the more would all foreign merchants be disturbed, and commercial capitals be withheld from their objects; and there was no town in Europe where this would not interfere with the trade and manufactures, and consequently the public revenues of Great Britain. Among the ways and means, he objected to nothing but the sum supposed to be forthcoming from the East India company. This sum ought not even to have been mentioned, as it depended entirely on the

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renewal of the charter. That important question ought to have been permitted to come to the consideration of parliament, without any previous opinion having been in a bye manner obtained upon it, much less without government and that House seeming to have already accepted the premium which was to be the price of the charter. Mr. Sheridan concluded with a strong recommendation to the House, before they laid a new burthen of a single shilling on the people, to enable themselves, by a rigorous scrutiny into all useless places, and reversionary sinecures, to look their constituents in the face, and assure them, that before they applied to their pockets, they had abolished all unnecessary expenses and unmerited stipends. By doing this they would not only bring to the public service large sums, wrung from the industry and labour of the community, but they would destroy the baits of corruption, and teach the government to look to its merits for its support.

Mr. *Drake* highly approved both of the general conduct of the chancellor of the exchequer, and of the manner in which he had brought forward the important business of that day. It had been well said, that Englishmen must be angry to fight well; and angry he was sure every brave and generous Englishman must now be. He was concerned that any thing should be urged to blacken the prosperity of the country; the reverse of what had been stated by Mr. Sheridan, was *bonâ fide* the fact. The war he pronounced a magnanimous war, and English soldiers, when they had a magnanimous cause for anger, would fight, and he would indeed be a strange general that would use such language as the most hon. chancellor of the exchequer, when going to storm a redoubt. As to generals making speeches, the true spirit of a man going to battle ought to be "to fight." The conduct of his brave countrymen on the present occasion had afforded him the highest satisfaction, and he greatly applauded the subscription set on foot for the relief of the families of such heroes as should fall in the service of their country. He had the greatest expectation from the duke of York, and the brave Englishmen under his command. He had sailed in the Syren frigate. He would not make such a speech as the chancellor of the exchequer, but would say "fight, fight, my merry-men all," and he had no doubt but that they would obey his commands. In so good a cause, he trusted to the protection and favour of Providence, and that the just and necessary war in which we were engaged would lead to an honourable and blessed peace.

Mr. *Fox* said, he had come down to the House not without anxiety, but it had afforded him the most sincere pleasure to learn from the chancellor of the exchequer, that he meant to go on a large scale, in providing for the vigorous prosecution of the war in which this country was actually engaged; and he also approved of reducing the unfunded debt; but it was surely rather singular that while the right hon. gentleman was proposing to pay off 1,500,000*l.* of exchequer bills, he was at the same time to issue exchequer bills to that amount on a vote of credit. He most sincerely wished that the right hon. gentleman, instead of speculating as he had done, had deigned to follow the advice which he had given in the last session, as to paying off the 4 per cents. Had he done so, and paid off the 4 per cents. when at 95, a permanent resource of no less than 240,000*l.* would have been gained to the public. Mr. Fox expressed his surprise and alarm at that part of the right hon. gentleman's speech, where he spoke of our entering into numerous alliances with foreign powers, besides those in which we were now engaged. He anxiously wished to be informed what alliances were meant, as he dreaded much our being led into dangerous and improper engagements for the prosecution of the most unjustifiable purposes. It must surely appear rather singular to bring forward, as a new and unforeseen resource, that which might arise from a continuation of the temporary taxes imposed for defraying the expenses of the Spanish armament. This must have occurred to every body; and the continuing these taxes after the period of their expiration, was, in fact, the same thing as imposing new taxes; though he did not mean to say that it was not better to continue taxes already existing, than to lay on the people any burthen which they had not hitherto borne. The right hon. gentleman had assumed to himself much credit from refraining to say any thing on the flourishing state of our finances, in the discussions with respect to the war. He sincerely wished that a similar conduct had been followed on the present occasion, as it appeared to him not less improper to bring forward any declaration

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or observations as to the nature and objects of the war in a discussion with respect to finance. To do so, besides being improper, he thought perfectly useless; for, if the war was so neccessary as had been represented, involving in it every thing that was dear and valuable to this country, no matter what our situation in point of finance, no object of that kind could have prevented our engaging in it; on the other hand, however prosperous and flourishing the situation of our finances, if the war was not necessary, that surely could be no argument for engaging in it.

After the various discussions on the subject of the war that had taken place in that House, it seemed singular that the right hon. gentleman should suppose that he could, by declamation, add any thing to what had been already said: he had said that he had heard of wars for honour, and wars for religion; and had asked, if ever there was a war in which both honour and religion, and every thing dear to a nation, were so deeply implicated? a mode of reasonings pecious enough to impose upon some people. But the answer he would give to it would be this: Can we gain more by the event of war, than might, in all probability, have been obtained by negociation? The relinquishment by the French of their conquests, the explanation or repeal of their offensive decrees, the safety of our allies, all these, he thought, in the situation of this country, might have been procured by negociation. He should be told, however, that supposing this to be so, what security could we have for the performance of these engagements on the part of the French? What better security, he would ask, could we have after the war? Unless, indeed, we were going to war, not for the purpose of forcing France to relinquish Savoy and her other conquests, or of preventing the increase of her power; but for the purpose of interfering in the internal affairs of France, and of substituting, in room of the present, a new government, in which we might place greater reliance. This purpose of the war had been approved by some persons: but had been uniformly and explicitly disavowed by the minister, and was so, in the clearest and most express terms, at the time he brought down his majesty's message respecting the war. The language now held, and the declamation they had heard that day, called for a distinct explanation upon this most important point. The right hon. gentleman had asked, why should war diminish the revenue? But, were not flourishing commerce and manufactures the greatest support of the revenue? Did the right hon. gentleman mean to say, that the manufacturers of this country would not be injured by war? Had he had any information of late from Manchester, Paisley, Norwich, and other places, which had induced him to form this opinion? If so, Mr. Fox declared that his information had been directly the reverse: but this would not certainly operate in any degree upon his mind, did he conceive the honour and dearest interests of the country to be implicated in the war to the extent which had been represented. As the subject of war would not probably be again debated, he thought it right to say that he remained of opinion that it might have been avoided; and when the right hon. gentleman talked of the prosperous state of this country last year, he could not but still more condemn the putting that enviable prosperity to risk without negociation.—The right hon. gentleman by his declamation had drawn from him thus much; and he could not conclude without saying a few words on the subject of our East-India affairs. He had not yet given much examination to the papers laid before the House relative to that business, but he had bestowed some consideration on it, and he still wished for a great deal of information. He joined with his hon. friend in being averse to taking at present the 500,000*l.* stated as a resource arising to this country from the revenues of India. The renewal of the charter of the company was the greatest commercial question that had ever been considered by the legislature of any country. It involved a variety of objects of such magnitude and importance, that, in competition with them even this 500,000*l.* ought to be considered as nothing. He thought it therefore highly improper that the discussion of such a subject should be cramped or fettered in any shape. True, the right hon. gentleman had said that, by taking this 500,000*l.* at present into calculation, the House would by no means be pledged to a renewal of the charter; but he had also said that the House would not surely adopt any regulations with respect to India, from which the public would not derive at least an equal profit. If the House was to proceed on this ground, there could be no fair discus-

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sion; for whatever advantages, either immediate or eventual, and of how great importance soever, might appear likely to arise from opening the commerce with India, if a revenue of 500,000*l.* should not be immediately derived to the public, they would be stopped by the *postulatum* which had been now laid down: for his part, he could never think it right or prudent to go into the consideration of a commercial question of such immense magnitude cramped in the outset by a *sine quâ non* of this sort. To him the whole business bore much the appearance of ministers having taken upon them to pledge that House and the public to a renewal of the company's charter, in a manner disgraceful to the country; and since the publication of the speech of another right hon. gentleman (Mr. Dundas) the opinion universally entertained was, that a renewal of the charter was absolutely determined on. He did not say that he had made up his mind as to the propriety or impropriety of renewing that charter; but it was a matter which ought certainly to be decided upon with the greatest deliberation, and gentlemen ought to have their judgments and opinions totally unfettered and unbiassed.

The several resolutions were put and agreed to.

Patent of Creation of the Baroness of Bath.] March 14. On the order of the day for the production of the Patents of Creation of the Marquis and Baroness of Bath, the patents being read,

The Earl of *Radnor* disclaimed, in agitating the point which he was going to move, any personal motive against the person who was the immediate subject of his motion; any attack upon the royal prerogative; any suspicion that the ministers, who advised the conferring on Miss Pulteney the title of Bath, were actuated by those motives which the precedent would authorize future ministers to indulge. The situation of the parties would effectually obviate such suspicions; but he thought the grant was obtained by strong solicitation of a powerful interest on the part of the grantee, and yielded from inadvertence, and ignorance of the impropriety, on the part of the minister. This ignorance was only of a science, which it was fashionable to be ignorant of; but while the country was monarchical, there must be nobility, and while there was nobility, there must be some attention to that science. Attempts have been lately made to turn titles and honours into ridicule; but nothing will make them so ridiculous as following such a precedent as this. The constitution, and every part of it, is secure, if we do not betray ourselves. The fact is, that the Crown having granted the title of Bath to a noble family, to be holden with the rank of marquis, has since been advised to grant the same title of Bath, to be holden with the rank of baron. The circumstance is novel—novel (as he believed) in a course of some hundred years, and after the grant of some thousand titles. He ventured to say it was novel, from conviction of the principle, and attention to the subject. He thought it absurd, indecorous, inconvenient, unjust, illegal, and null. At present, he should only move for a committee to consider, and report whether the same specific title can be conferred on any person, during the subsistence of the limitations of a former grant to another person.

The *Lord Chancellor* said, he had not had time to investigate the question with that care which a matter of great importance, ought to have received; but that he had, as by accident, lately seen some ancient records belonging to the parish where his house was, by which he knew, that in Charles the 1st's time there was a duchess of Dudley, on whom that title was conferred, the title of Leicester, which was her father's, being given away; that therefore the barony of Dudley being an ancient barony and still subsisting, there were two peers who took their titles from the town of Dudley. That besides this, there is actually now a viscount Dudley, though the said barony still subsisted; that there were three lords Douglas in this House, and two lords Ferrers; that there were, in former times, lords Grey, lords Percy, lords Howard, without end. That the noble lord might be at ease; no confusion arose—no trouble; that the Herald's college was still in safety, and all the learning it afforded might be useful, and advantageous in the matters to which it was properly applied; that the crown had not only a clear right to grant this title in the way complained of, but that it had done it in a very common and usual way. However, if the noble lord was not satisfied, there was one obvious way of allaying his fears upon the subject, which would, he doubted not, be satisfactory to all parties: the heir apparent of

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the marquis of Bath was a bachelor; he might marry the lady in question, and then Bath would be merged in Bath.

The Earl of *Leicester* said, he could set the learned lord right about the title of Dudley. The lady was not made duchess of Dudley, but duchess Dudley, not from the town of Dudley, but from the surname of Dudley.

The Earl of *Radnor* said, that he really did not know whether the learned lord was attempting to make a joke of the business, knowing he could not answer it gravely, or whether he was completely ignorant of the subject. The learned lord says there are three lords Douglas in this House. This he denied. There is a lord Douglas of Lochleven, a lord Douglas of Douglas, and a lord Douglas of Amesbury; three titles as distinct as titles can be. As to the title of viscount Dudley, he denied that there was such a one; the title is Dudley and Ward; though improperly assumed, perhaps, yet assumed so, to avoid the very case which the learned lord states as the fact. But the truth slipped out. The title of Dudley was given to the lady he mentioned, "because the title of Leicester was given away." If this was the case, it is the whole contended for. As to the instance of Ferrers, it was very wrong in lord Ferrers to take the title of Ferrers as an earldom; but still there was no identity of title. The earl is earl Ferrers, the baron is lord Ferrers of Chartley. But is there no confusion? How are they to be addressed here? How are they to sign the roll? In fact there is an instance of confusion. The marquis of Buckingham was supporting, to his honour, the measures of loyalty and fidelity which distinguished the winter of 1788-9 in Ireland, and there is a protest against these very measures, signed "Buckingham," now standing on the journals, which is really the signature of lord Buckinghamshire.

Lord *Rawdon* thought it very improper to confer titles in this manner, but he could not vote for the motion, as Miss Pulteney had much better pretensions to the title of Bath than lord Weymouth had; and though wrong, the crown had the power to grant titles in this way.

The House divided: Contents, 2; Not-contents, 21.

"Dissentient,

"Because we conceive the real dignity of the peerage was not less concerned in the adoption of this motion, than the justice due from this House to the individual member whose title has been disposed of in this unprecedented manner. If it be true, as asserted in the debate, that the practice of duplicating titles is exceedingly usual, such practice could at least have been shown. The challenge was fairly and roundly given, and instead of being answered, was with round assertions parried. The titles of Douglas, borne by three noble members of this House, though discriminated as they are in a manner the most proper, most regular, and most distinct, were assimilated to the instance in question. It could hardly be believed, without our assertion, that the House could have been induced to negative the motion, by arguments founded on such real or pretended ignorance.

"Because the novelty of such practice appeared to us to be proved, as far as a negative is capable of proof, by the following, among various other, considerations: 1. That though noble families, in the earlier periods of our history, were frequently deprived of the rank of Peerage, by attainders or otherwise, and afterwards restored, not a single instance appears in which titles, conferred on other families in the interval, had been regranted, or re-claimed; and, on the contrary, several instances were pointed out, in which different titles had been assumed upon such occasions, their ancient titles not being at the time of such restoration vacant. 2. When the duke of Buccleugh obtained from the crown in 1743, the honour of its recommendation to be restored to the hereditary seat in this House, forfeited by the attainder of his ancestor the duke of Monmouth, that favour was confined to such titles as were not vested in other families, and consequently the title of Monmouth was omitted. 3. When Thomas earl of Arundel and Surrey could not obtain from king Charles 1st his consent to a general reversal of his ancestor's attainder, and his own consequent restoration to the dukedom of Norfolk, he yet secured a possibility of his future restoration, (which afterwards took place) by soliciting, and obtaining, the earldom of Norfolk, which could hardly, on any other principle, be an object. And, 4. When king Edward 4th wanted to give his son the earldom of Pembroke, he first obtained a resignation of that title from the then earl.

"Because we conceive the practice to be unjust, and the consequences of it in-

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convenient, farcical, and ridiculous; and think it necessary to be resisted in the first instance. And,

"Because, upon the doctrine of the hour (for of the hour only we trust it is), the minister stands complimented by the House with a more powerful instrument of mortifying individuals, than any known prerogative of the crown, or even, in our opinion, the court of wards and liveries itself ever furnished. The grievances of the latter were heavy, but temporary; the injury occasioned by this modern invention is perpetual, and claimed by its patrons as irremediable.

(Signed) RADNOR LEICESTER."

The Earl of *Radnor* immediately said, that as the House had thought fit not to deliberate upon his motion, he was ready to state his own opinion decidedly on the subject, and would do it by a motion, which he must be some little time in arguing. He stated the point as absurd; for the crown had given this title away, and it had not reverted, "& nemo dat, quod non habet." He said it was inconvenient. The appellation in the House, the address of letters, must make this practice evidently so; but on the signature of the roll, it is obviously beyond contradiction. It was also indecorous. In 1690 there was an earl of Oxford, the twentieth of his family, in possession during 600 years. Would the House have borne another lord Oxford to come, and usurp his title? Yet lord Bath has as much the right in himself as lord Oxford ever had. But the title may become desirable, because it had been borne by others. Would the House suffer another lord Marlborough, lord Chatham, lord Hardwicke? The claim on the score of relationship has been already stated; but if it weighs at all, it must be before the grant. It might have been a reason against granting the title to lord Weymouth; it could not be an honest reason for re-granting it to Miss Pulteney. It is also unjust. Seisin by one party, is to the very idea exclusion of the other party. Exclusion of others is an essential quality of possession—the most gratifying ingredient of possession. Henry 8th consented to the act for settling the rank of peers; but the loss of priority of rank could be nothing to this, though it had been perpetual. It is also illegal. Ancient grants of titles were attended with grants of revenue from the same places from which the title was assumed. Though this grant is not, in fact, now made, yet, upon feudal principles, the consequences must be the same. But chiefly, he asserted it to be novel. It is the constant observation on any grant, that such a family, or such a person, (having some distant pretensions) will be disappointed. Peers have found frequently difficulties in avoiding such pretensions. Malevolence against the present minister said, when lord Leicester took that title, it was to deprive of it a particular gentleman. It was an absolute falsehood; but the very assertion showed the general opinion. Till now, not only the principal titles, but the subordinate ones, have been protected.—lord Radnor then showed a list of titles, being third or fourth titles, all of which were untouched, and yet several of them evidently desirable to some peers, within a very few years. Was Wiltshire no object to the Wiltshire gentlemen who have been raised to, or promoted in, the peerage? Lord Spencer wished to have, but could not have, because another had, the title of Sunderland. Was Warwick no object to lord Brooke? The late duke of Newcastle wished to secure to his nephew the title of Newcastle; he took notoriously a different Newcastle, because he could not take the same over again in the same rank. The good luck of the Seymour family is mentioned by writers, in having the title of Somerset vacant when they had interest enough to be restored. The same observation is made of the Percys, that the title was become vacant by the extinction of the Fitzroys. King William forced upon lord Mordaunt the title of Monmouth, to prevent solicitation for the reversal of the duke of Monmouth's attainder; but an act of parliament in this case confirms the observation; for the restoration of the duke of Buccleugh was only to titles unoccupied. When families have been raised to titles, about the existence of which there was some doubt, under former grants, they have taken some other title with them, or taken them with some difference, Harley was made earl of Oxford, and earl Mortimer. Sheffield was made duke of Buckinghamshire. When families restored to the peerage have found their ancient titles occupied, they have taken others. Lord Worcester took Beaufort, Somerset being in other hands. Lord Grey of Groby took Stamford, as Suffolk, Dorset, and Huntingdon were engaged. The earl of Arundel, when he could not get the

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attainder of his ancestor the duke of Norfolk, reversed, got himself created earl of Norfolk to secure that title; and when Edward 4th, wanted to dispose of the earldom of Pembroke, he first got a resignation of it from the then earl. If it were contended, that this could always have been done, but never has, in what light will the present instance stand, in point of delicacy, towards the former grantee, whose rights ought to have been protected, by motives of forbearance, as much as any grantee of former times? Upon these grounds, his lordship insisted that the grant was null; and to show that the king could revoke it, read from the journals of the House of Commons, 23d Jan. 1695, an instance of revocation of a grant, under the great seal, by king William. He therefore moved, "That an humble address be presented to his majesty, humbly to represent to his majesty, that his royal letters patent, by which his majesty was graciously pleased to create Thomas viscount Weymouth, marquis of Bath, and his heirs male marquisses of Bath, were, on the 21st day of January, in the 30th year of his Majesty's reign, produced in this House, and the said marquis was then and there received accordingly, and is now a member of this House; that letters patent, whereby Henrietta Laura Pulteney is created baroness of Bath, and her heirs male barons of Bath, being lately inspected by this House, this House feels it incumbent on itself, in respect as well of the several individuals members thereof, as particularly of the said marquis of Bath, humbly to represent to his majesty that the title of Bath being so vested in the said marquis, the said late grant is, and can be, of no effect; that the grant to a second grantee of the same title, exclusive of the obvious inconveniences attending it, is an actual disinherison of the first grantee, tending to produce private animosities, liable to produce public resentments, and the example capable of being used as an exasperating and mortifying instrument of personal pique. And that, for these reasons, it be humbly requested of his majesty to recall and annul the said letters patent to Henrietta Laura Pulteney as aforesaid, and to compensate, in such manner as to his royal wisdom shall seem meet, the grant, which this House humbly conceives his majesty has been advised to make, without sufficient attention to the rights previously vested in the said marquis of Bath."

The *Lord Chancellor* earnestly requested of the noble lord not to press this question. It was impossible for the House to adopt it. The title was vested, or it was not; its validity could be legally decided elsewhere, which validity could not be affected by this resolution, if it were adopted. It would be perfectly unconstitutional, as well as dangerous, for the king to attempt to resume a grant once made.

The question passed in the negative.

"Dissentient, LEICESTER, RADNOR."

The Earl of *Radnor* then moved an address similar to the last, substituting for the last paragraph the following: "That, under these circumstances, the House, forbearing to question the validity of the grant made to the said Henrietta Laura Pulteney, but greatly concerned that his majesty has been advised to make the same, does humbly and earnestly request of his majesty, that the same may not be drawn into example; but that the members of this House, honoured by the favour of the crown, may severally, for the future, enjoy unmolested and exclusively their several and respective honours." It passed in the negative.

"Dissentient,

"Because though we adhere to the motion last negatived, and trust that our opinion will prevail, in case a seat in this House shall be ever claimed by virtue of this patent, believing the grant to be unauthorized by custom and precedent, and void in law, as it is upon every principle of justice and decorum, yet as the House had refused to question the power of the crown to confer the title, we waved our own opinion so far, as to endeavour to induce the House to mediate with the crown graciously to remit the exercise of such power, being (as we conceive) incompatible with the honour of the House and the vested right of the individual members, and we lament extremely our ill success. The act for regulating the precedency of the peers, obviated those grievances which partial or temporary favour might occasion; but the grievance arising from precedency given arbitrarily, though it had also been given in perpetuity, could not in any degree be compared to this. An instance, infinitely short of this, in our opinion, is pronounced by the lord chancellor Clarendon, in his history, to be the most unnecessary provocation he had known, and, in his belief, the chief cause of lord Strafford's execution.

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"And lastly, we consider this representation to the crown to be peculiarly proper at a time, when theoretical speculations, and attempts at ridiculing all established forms and privileges, are unfortunately so prevalent.

(Signed) RADNOR
LEICESTER."

Debate in the Commons on the Traitorous Correspondence Bill.] March 15. The *Attorney General* rose to move for leave to bring in the bill, of which he had given notice. But first, he should explain what he meant by the phrase correspondence; his bill was intended to prevent all traitorous correspondence; but here he did not mean correspondence in the popular sense, as to prevent the passing of letters would destroy all commercial communication, but in its legal sense, namely, all commerce and intercourse with his majesty's enemies. The law of treason was founded upon a statute of the 25th Edw. 3rd, which had been the subject of legislative exposition in different acts passed since that period. He should mention what were the acts made treasonable in that statute. These were—1st, compassing or imagining the death of the king; a phrase which, as undoubtedly it was of great latitude, the judges had always been of opinion, that in order to constitute this degree of treason, it was necessary that there should be some overt act. 2d. It was declared treasonable, if a man should levy war against the king; or adhere to his majesty's enemies, and aid, comfort or abet them. The third act declared treasonable was counterfeiting the king's money. The authors of this statute had undoubtedly deemed it necessary to reduce the law of treason, as far as laid in their power, to a degree of certainty, but had left it expressed in these general terms, as they could not foresee the circumstances which might arise in after times, to which the description of treason might apply. Accordingly the legislature had found it requisite, at different periods, to declare what particular circumstances constituted overt acts of treason. From the time that this statute passed, down to the reign of queen Mary, different explanatory acts had from time to time been made. During her reign, all these acts were repealed, and the law restored to the original footing upon which it stood by the statute of Edward. In this detail, he had only followed the account given by lord Hale, whom he had taken for his guide upon this occasion. An act had passed in the reign of queen Anne, to prevent all traitorous correspondence, which prohibited any persons from supplying the enemies with arms, naval, or military stores, or from going out of the kingdom to the enemy's country without licence. A similar act, which had passed in the reign of William and Mary carried the regulation farther: it not only prohibited all supplies of arms, &c. but of goods and merchandize of every sort. The bill which he meant now to propose was founded nearly upon the principle of these acts. It was his intention to prohibit any person from selling or delivering, or causing to be delivered for the use of the persons who compose the French government or of the French armies, any of the articles specified, such as arms, military stores, provisions, bullion, or woollen clothes, under penalty of high treason. But in order to soften the rigour of this penalty, he proposed that it should be understood as in the case of persons counterfeiting the king's money, and should not convey any attaint in the blood, or debar the next heirs from inheritance. It was his intention, in the next place, to prevent any persons from contracting for the purchase of lands in France, or from purchasing in their funds, or advancing money upon the purchase of lands, &c. The motive of this prohibition would easily be perceived. The French proposed to themselves to carry on the war against this country by the sale of lands. Now a question arose, whether, by allowing our subjects to purchase lands, we should not give them an interest in the property which they had thus acquired, while we furnished the French with the means of carrying on war against ourselves.—His third object was, that no persons should be allowed to go from this country into France, without a licence under his majesty's great seal, and that their neglecting to obtain this licence should be deemed a misdemeanor. But what he deemed a regulation of material consequence was, that no persons, though subjects of this country, coming from France, should be allowed to enter this kingdom, without either a passport or a licence. If they should not be furnished with a passport or licence, that they should be obliged to deliver in a declaration to the master of the vessel with whom they had come into the country,

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who should immediately transmit it to the secretary of state, and that in the mean time they should not quit the place where they landed, or any certain distance that should be fixed, without receiving permission, or without giving security before justices of the peace for their good behaviour. At a time when the characters of persons coming into this country were liable to suspicion, he hoped this regulation would be deemed proper, in order to ascertain of what description they were, and what were their objects. The last clause of his bill was, to prevent the insurance of vessels either coming from France, or going to France. He concluded with moving, "That leave be given to bring in a bill more effectually to prevent during the war, all Traitorous Correspondeuce with, or Aid or Assistance being given to, His Majesty's Enemies."

Mr. *Fox* declared, that he could not omit even this first opportunity to express his disapprobation of a bill, the regulations of which he regarded as useless, unjust, and impolitic. If the hon. and learned gentleman meant to say, that there were doubts to be removed on the law of treason as it stood, that many points in that law were not well understood, and that the subjects of this country might, without knowing it, incur the penalties of the law; if the gentlemen of the long robe, notwithstanding their great learning, said, that still to them this law was doubtful, it ill became so unlearned an individual as himself to say, that a bill to explain that law was not necessary. But he who had never before heard of those doubts, had no reason till now to think that law obscure, and therefore could not feel the necessity of a bill to explain it. However, if he was deficient in knowledge upon that subject, he must allow, of course, that a bill might be necessary for the purpose of explaining the law, and then the question would be, whether the provisions of the bill now opened conformed to that intention. To him they appeared of a very extraordinary nature. The first part that struck his mind was, the restraint upon the purchase, by any subject of this country, of any land in France. The bills to which the hon. and learned gentleman had alluded upon that head as precedents, were not in his mind very highly deserving of imitation; for in this, and every other country calling itself free, he had always held, that property was in the highest degree entitled to the protection of the law; and if so, there could be no doubt but the power of disposing of it was to be considered under the same protection; both of which were violated by the present bill.—The second ground upon which the bill proceeded was, that the possession of land in France, by any of his majesty's subjects there, might become hostile to the interests of this country. Should the learned gentleman not have stated some specific inconvenience that this country had felt by any of its subjects having possessions in other countries? British subjects had had from time to time many such possessions, and no evil, that he ever heard of, had hitherto resulted from that circumstance: he was firmly convinced, that nothing at this moment could be more dangerous than holding out that idea, and that there was not any thing at the present that made it appear more dangerous to have such possessions than at any former period. Indeed, he never expected to hear a proposition maintained in any part of the world, least of all in Great Britain, that we should not subscribe to loans, or engage in the funds of any country; or that those who were at war with us, were not to have their property considered as sacred. The direct contrary had hitherto been the rule; and it had been always held out, that property of every kind was secured to the use of its possessor, as well during war of any kind, as in times of the most profound peace? Something to the reverse of this had been started and proposed during the American war, respecting property held in Pennsylvania; but the minister of that day rejected with disdain a proposition so unjust and impolitic; observing, that the sacredness of the possession of property being the basis of a free state, the honour, and ultimately, the safety of the kingdom, might entirely depend upon that principle. This was wise, as well as honourable. But this principle was totally destroyed by the spirit of the present bill. Nevertheless, if we looked at the interest of this country, independent of any other consideration, he was convinced that we should not be so rash as to stop the intercourse between this country and France with respect to the purchase of lands, or the investing of money in the funds. Had we lost all sense of the advantage to be derived from keeping that open? Was it likely that much of the money of the people of this country would be laid out in

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purchases in France? Or was it not rather more probable, that many of the people of France would make purchases with us? We had always encouraged foreigners, even in time of war, to deal in our funds; and we had always held their property sacred: and he would ask, whether encouragement afforded on both sides to deal in the funds, would operate most in favour of this country or of France; of that which had most, or that which had least credit? Was it to be supposed, that men would be so blind to their own interest, as not to perceive and avail themselves of this advantage? But these considerations would be defeated entirely by the present bill.—The next provision of this measure went to declare it treason to supply the French, or any in alliance with them, with arms. If that part of the law was to be thoroughly revised, perhaps he might have something to offer to the attention of the House upon that subject; but considering all wars of late years in Europe as contests of revenue, rather than of arms, he questioned whether it would not be of advantage to this country to trade with its enemies, and perhaps to sell to them even articles of arms, whilst we had prompt payment, at our own price, for them. With respect to the prohibition of Englishmen going to France without a passport, as described in the bill, he should pass it by, as he considered it as the least exceptionable clause. But as to the provision against Englishmen returning to their country, it was monstrous enough to make the learned gentleman himself afraid of stating it. It was giving a power to the king to banish, during the war, every British subject now in France. But, it seemed, he had the power of returning in certain cases, by giving security and what not for his good behaviour. Who was to be the judge of the amount of that security? This was to be left to a magistrate. Here again, a man was to be put under the discretion of another person, who might render his return impossible by exacting security to an amount that could not be given. If one man was to be at the discretion of another in the dearest of his rights, that of living under the government and partaking of the advantages of the constitution of his native country, he must ask, upon what principle it was, that we were daily congratulating each other, and praising our laws to foreign nations? Where was the foundation of our boasting, if an English subject, the most meritorious English subject,—and because he was meritorious he stood a great chance of being obnoxious to his majesty's ministers, was to be at the mercy, whim, or caprice of any creature of the crown, who had the power to say to him, without assigning a reason, "You shall not come over to this country, because I do not choose you shall come."—As to the insurance of ships belonging to France, the question did not involve any principle; for the preventing of Englishmen from paying the losses of the French was right enough; but he wished to know of what utility the prohibition would be. The truth was, that the premium was always more than equal to the risk, and the balance was in favour of the underwriter. If, for instance, out of one hundred insurances, the profits of the premium was much more than the loss at the expiration of the policy, then England would have gained, and France would have lost. Why, then, he must say, that he did not see the reason for this restraint upon trade. But, however, he had less objection to this clause than he had to many of the others, because it appeared to him to be merely foolish. He ridiculed the attorney general's definition of the word correspondence, and thought that the people of this country needed not to be told, that, if they entered into any agreement with the enemies of the state, to perform any thing that tended to its injury, they were amenable to the law. However, if the learned gentleman thought the people of this country were so ignorant of their duty to the state, it was kind in him to tell them what they were liable to in cases of neglect or positive offence. Mr. Fox concluded with saying, that the whole of the bill, as opened by the learned gentleman, appeared to him entirely unnecessary, many parts of it repugnant to the common principles of justice, some of them foolish, and he believed it brought forward with no other view than to disseminate through the country false and injurious ideas of the existence of a correspondence between some persons and France, and alarms of dangers where there were no dangers at all; and therefore it should meet with his decided opposition, even in that early stage.

The *Solicitor General* said, he did not pretend to say that gentlemen on the opposite side of the House were less attached to the constitution than himself; but he could not help observing, when-

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ever the subject chanced to be started, a soreness which seemed to imply a consciousness of something. He defended the proposed bill. As to the term "correspondence," it was not so well understood as the right hon. gentleman seemed to think; for many gentlemen had applied to him for an explanation of it; so that it was not the illiterate alone that misconceived its signification. The statute of Edward 3rd, he said, left the law of treason in some doubt; because the nature of treason was, in some measure, to be determined by existing circumstances; and of consequence there had been continual declarations of what, in particular instances, constituted treason: first, with respect to the clause of the present bill, prohibiting any persons to furnish the enemy with arms, which, surely, was a treasonable act, as it was aiding the king's enemies. But, to rest the matter merely on the question of policy, if these arms were articles essential to the French, in order to carry on the war, and if this country was particularly advantageous for the purpose of supplying them, it was surely something, even in point of policy, to deprive them of this advantage. But the force of this reasoning was increased, if the situation of France was such, that it could not supply itself with these articles from any other quarter, and if by being deprived of these, she was left destitute of the means of carrying on the war. Other wars, it had been stated, were rather contests of revenue than of arms; in this war, the case was different: the French were waging war with their whole substance; and if we contended with them on the ground of revenue, they would certainly have the advantage. As to the purchase of lands, one of the causes of the calamities of the American war, was the private interest of individuals in consequence of their possessions, which induced them to take a part contrary to their sentiments. How, he asked, was France to lavish her substance? She had determined to sell her lands for the support of the war: she could not sell them to herself; and to whom could she sell them with more advantage than to persons in this country? As to the prohibition of persons to go to France, let gentlemen consider the danger of an intercourse, just now, with France, and then decide for what good purpose Englishmen could feel an inducement to resort thither. The requisition of their not being permitted to quit France without a licence, or a passport, from his majesty, was condemned: but was it not necessary, at such a time, to know who, and what they were, from whom the circumstances of the moment led us to feel such apprehension? The object of that part of the bill, was not to impute to every Englishman passing to and from Paris any charge of disaffection; but there were some characters in that capital whom it was necessary to guard against. During former wars, acts had been passed affording, against similar offences, the same species of provision. The measure had received the sanction of our ancestors, and for that reason he should give it his cordial assent.

Mr. *Martin* said, that during the debates on the present war, he had done all in his power to prevent this country from falling into that calamity; but as war was now entered into, the next part of his duty appeared to him to be that of putting an end to it. This measure seemed to him to be calculated for that purpose, and therefore it should have his support.

Mr. *Erskine* said, that when the learned gentleman threw out some expressions concerning the soreness of some persons upon the present subject, he was persuaded he did not mean to insinuate, that there were any persons within the walls of the House less desirous than himself to maintain the tranquillity and prosperity of the country: if he had entertained any such suspicion, he was sure he would have been manly enough to say so. On the present occasion, he confessed that the attorney and solicitor general had greatly the advantage of him—they no doubt had examined every authority in any manner connected with that which they intended to propose; whereas he had no information upon the subject of treason except that general knowledge which grew out of the study of the law, as from the practice of it he had learned nothing; for such was the attachment of the people to the present sovereign, and such their reverence for the constitution, that during the fifteen years he had been at the bar, he had witnessed but one trial for high treason, and in that solitary instance the prisoner had been acquitted.

He maintained that the bill was directly repugnant to the policy of the best and wisest of our ancestors, and contrary to the highest authorities in the law. The learned gentleman who brought in the bill professed to have taken lord Hale for his guide. He wished every

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man present would look without delay into his Pleas of the Crown, and compare the bill with its supposed model. No man was a greater enemy than lord Hale to those temporary acts which parliament itself had repeatedly declared to be dangerously destructive of the venerable statute of Edward 3rd. In Edward 4th's time (a circumstance which the learned gentleman had not found it convenient to advert to), all these obnoxious statutes had been swept away, and in the reign of queen Mary they had been again swept away, with a preamble reprobating their pernicious and impolitic principle. Thus, as often as they sprung up like weeds in the wholesome harvest of the law, the legislature mowed them down, and destroyed them. Why, then, were the fundamental principles of criminal justice thus consecrated for ages, to be now shaken by an unnecessary and mischievous act of legislation? By the ancient statute of Edward 3rd, no man could be guilty of high treason unless his mind was proved to be traitorous; whereas this bill, the very foundation of which was unjust suspicion of the people, declared specific acts to be traitorous, without regard to the intentions specified in the original act of king Edward, with a view, it seems, to guard men against falling into treasons. For my part, said Mr. Erskine, "Timeo danaos et dona ferentes." The attorney-general by this bill gives a statutable exposition of treasons, which he denied to be a just one, and even if it were judges upon the new text might build up new constructions as they did upon former ones. The great value of the ancient law was simplicity and security. The mind alone could be traitorous, compassing and imagining the death of the king; levying war against him, and adhering to his enemies, were all acts of the mind evidenced by the overt acts of their accomplishment; but under the present bill, if it passed into a law, a man might be convicted of treason with as little ceremony as if it were for pulling down a turnpike gate, or for some petty offence against the excise or customs; the connexion might be supported without due regard to mischievous purpose. New constructions, besides, as he had just said, might arise upon the bill when it came to be expounded in the courts. Another attorney-general might also come with some new bill upon some assumed new necessity, and thus the liberty of the subject might be expounded away until it was lost and destroyed altogether. It was urged, that the circumstances of the times called for this extraordinary measure. He desired to know what were these circumstances which could justify the lessening or endangering the freedom of the country. He knew of nothing which had happened, except that a false alarm had been propagated for the purpose of strengthening the hands of government, and weakening the liberties of the people; and by this artifice, ministers were to have unbounded confidence, and every body else were to be stigmatised by distrust, and libelled by suspicions of treason and rebellion. Now, where was the evidence to warrant all this, or any part of it. Had the attorney-general a single indictment against any one person now depending? Had he even any well-founded suspicion that treason any where existed? Had he any informations on the file for sedition? Not one of these! Yet the country was defamed, by being described as in a state that required the laws of treason to be amended. Had the government really been in danger from disaffection, he should not have been found setting up improper forms or niceties of law to protect traitors; and he believed that the whole body of the people would join heart and hand to beat down such mischiefs. If the country was false to itself, and was falling into dangerous disorder, there might then have been some necessity for a legislative interference. Parliament was undoubtedly omnipotent, and in such a case would have a solemn duty besides to exert all its authority; but it ought to manifest a sound discretion in the exercise of it. "Nec Deus intersit, &c."—He then proceeded to remark on the other clauses of the bill. It was surely rather absurd to prohibit persons from purchasing lands in France, in the present distracted state of that country, whilst this kingdom was in a condition so highly prosperous, and afforded so many favourable opportunities for the employment of money. Instead of prohibiting persons to deal in the French funds, ministers should rather take care that a calamitous war might not prevent them from purchasing in our own. The regulation to prevent subjects from coming from France to this country, without a licence, was also highly objectionable; many of them were persons whose going abroad was unavoidable, some for the recovery of their health,

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others from the derangement of their affairs: with respect to such persons the regulation was oppressive, as it put every thing in the power of ministers; and it was impolitic, as it seemed calculated to disgust at the moment when we should be most solicitous to render our own country a land of freedom and delight. On the subject of insurance, he remarked, that from the high premiums demanded in war, the balance must be in favour of our insurers. He concluded with again adverting to the statute of Edward 3d, which he considered as all that was necessary, and as calculated to meet every occasion on which the crime of treason could fairly be alleged. The present bill he therefore considered as both unnecessary and dangerous. He said, show me the necessity, and I will go hand in hand with you in any act that can be brought forward.

Mr. *Frederick North* thought it sound policy not to suffer British subjects to purchase lands in France during the present war, which was not applicable to any other war in which we had ever been engaged: this was not a war for revenue but for existence; the only means that France had of carrying it on was the sale of her lands; and if she could not find purchasers, she must give up the contest. To allow a subject of ours to purchase land in France under such circumstances, or indeed under any circumstances, would be impolitic; for in that case, the purchaser having a permanent interest in France, must have an interest in promoting her prosperity, even to the injury of England. The same applied, though perhaps not in an equal degree, to purchasers in the French funds; the transfer of stock being easier than that of lands, the interest was less permanent it was true, but whilst continued, it had the same effect upon the proprietor. As to the insurance of ships, he thought that it ought not to be allowed at all; for as we were the only people who could insure for the French, if we declined it, they must give up their trade, and such a step would be the ruin of their navy. With respect to the proposed regulations, as to his majesty's subjects going from this country to France, and returning from thence, they appeared to him highly proper.

Mr. *Curwen* said, he had highly disapproved of the present war; but now that we were actually engaged in it, he was as much inclined as any man, to give every support that might be necessary for carrying it on with vigour and effect. The proposed bill, however, going to an extension of the laws relating to treason, which he thought a matter of great delicacy indeed, he was decidedly of opinion, that it was previously necessary to have laid before the House some good reasons for so strong a measure. He had heard of none such; and he should therefore oppose the present bill.

Leave was given to bring in the bill.

March 21. On the order of the day for the second reading of the bill,

Mr. *Curwen* rose to express his most hearty disapprobation of a measure, which to him appeared to be unnecessary in its object, ineffectual in its means for attaining it, and oppressive and impolitic in many of its provisions. The first clause he maintained, was unnecessary, because the supplying of the king's enemies by any of his subjects with naval or military stores, came within the 4th section of the 25th Edw. 3rd. and as it was already treason by one law, it would not be necessary to declare it to be so by a new statute. The second clause for preventing any subject of his majesty from purchasing lands in France, or stock in the French funds, was in one point of view, absurd, and in another dangerous, instead of being beneficial to England. Never could it have been so preposterous to endeavour to prevent an Englishman from speculating in the purchase of French lands or French stock, as at a time when his own country afforded him every security for his property that human wisdom could devise, and when there was in France no government, no regard for property, and no security for the enjoyment of it. What occasion, therefore, could there be for prohibiting what was never likely to happen? The prohibition could not do any good; but it might be productive of very great injury to this country; for no doubt, it would make the French convention enact a law for preventing the natives of France from placing their money in our funds—a law which would be the more prejudicial to our interests, as, in the present state of affairs, the less security there was for property in France, the more the monied people there would feel themselves disposed to place their money in our funds. And therefore the prohibition which we were going to enact by this clause would necessarily operate against ourselves, and in favour of France, as the consequence

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of this would be, to prevent the French capital from being invested in our funds, and to keep it at home. The clause, therefore, would furnish the convention with the means of carrying on the war, though its avowed object was to do directly the reverse.—The clause for preventing British subjects from insuring French ships, though intended to operate against France, would likewise in reality prove to be a precaution against our own prosperity. Insurance was a trade, and a gainful one too; its annual profits in England, in former wars, was estimated at 100,000*l.* and he believed that at the present period it might be set down as likely to produce a balance to this country of at least 300,000*l.* a year. In support of his opinion that it would be sound policy to suffer the trade of insurance to be carried on during the war, he quoted the authority of lord Mansfield (then Mr. Murray), who had first declared in favour of that policy in the year 1747,* and to show that the learned lord had not changed his mind upon that subject, he cited a case which was tried by lord Mansfield in 1784, in which the noble judge said, that insurances of ships ought to be encouraged, as they promoted speculation, and often led to a discovery of the views of the enemy in the time of war.—The clause for preventing any of his majesty's subjects from going to France, or returning home during the war, he considered as a violation of justice; particularly as to the second part of the clause. It surely must be a strange doctrine to lay down, that merchants, for instance, who in the legal pursuit of their business might have been obliged to go to France, should be prevented from returning home to their own country: it involved equally the innocent and the guilty; it invested his majesty's secretary of state with new and extraordinary powers, such as are not at present intrusted to any of the judges; and it was altogether a measure which could not be justified by anything less than complete evidence, that there actually existed violent disaffection to the existing government in a very considerable number of persons in this country.

The Hon. *Frederic North* said—Unimportant as my sentiments must be to the House, I hope that I shall not seem to force them irreverently and immodestly on its attention, if I rise to deliver them, for the second time, on the present question; for when I lately had the honour of addressing myself to the chair, the novelty of my situation, the unexpected nature of the question, and, above all, the fear of transgressing the established rules of the House, by arguing on the propriety of adopting a measure, the propriety of whose discussion was the only subject matter of debate, did not allow me to give, so fully and explicitly as I intended, the reasons of my approbation of the question now before us. That approbation, I am happy to say, a more mature consideration during the subsequent days, enables me at this time to confirm; and I own myself particularly anxious that the House should agree to it, as I conceive it to be a measure called for by the exigence of our situation, justified even by precedent, as far as the unexampled nature of our relative situation with our enemy, and the unexampled state and mode of existence of that enemy itself, do not preclude the possibility of precedent; and even in those instances, a measure so perfectly analogous to the strictest interpretation of the law of nations, and so consonant to the rules of the soundest policy, that it is very unpleasant to me to perceive the very respectable quarter from which it is likely to meet with opposition; for that opposition I must consider as the final extinction of all hopes that I might have entertained of any possible political co-operation with those gentlemen, with whom, more from habitual coincidence of political sentiments, than from any personal connexion, I had hoped to have acted during the whole course of my public duties. It is indeed unnecessary, I feel that it may be improper, for any member of this House so far to anti-date his political existence, as to declare what were, or what were not, his sentiments, before he had any parliamentary right to make the declaration. But I trust the House will hear me with indulgence; I am sure that a very respectable part of it ought to hear me with satisfaction, when I declare that the sentiments with which I first entered this House, were those of attachment to that great, that constitutional, that patriotic party, which, from the year 1783 to the present session of parliament, in every vicissitude of fortune, in ministry, in opposition, in popularity, in unpopularity, has invariably maintained those principles on which I now act, and which I hope

* See Vol. 13, p. 112.

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and trust I shall carry with me to my grave, because I hope and trust I shall not outlive that constitution, to the support of which they are particularly adapted. That any gentlemen have deserted them, is what I by no means wish to assert; a different interpretation of those principles may lead them into a line of conduct directly opposite to mine. I, for my part, entertain the best opinion of the motives by which they are actuated. If suspicions of a contrary nature are gone out among the people—if insinuations to that effect have been made in any place, and by any persons—all such suspicions I disavow, all such insinuations I reprobate; and I readily give them the same credit for their good intentions, which I think I have a right to exact for my own, in the different system which I pursue.—That we may judge of the merits of the present question, it is necessary to enter somewhat fully into the examination of the resources of our enemy. In the year 1789, we well know that the annual expenditure of France considerably exceeded her annual income; since that period, her income has diminished, and her expenditure has increased to an enormous degree. How has the deficit been supplied? By loans? No. By taxes? No. It has been supplied by confiscation, by the sale of confiscated lands, and by the issue of assignats, on the credit of their vendibility. The first confiscation was considerable, but not enormous; the first emission of paper currency, though great, was such as the circulation of the country could well bear. It was moreover not entirely an economical but a political measure; for I am happy, in answer to gentlemen who will not allow that the purchasers of national lands must be interested in the prosperity of the existing French government, to oppose the authority of Mirabeau, who, on the first proposal of issuing assignats, declared, that it was a measure prejudicial, indeed, to the commercial interests of the country, but necessary in the actual circumstances, as it would attach to the revolution all those persons who might find themselves in possession of any quantity of the paper currency, or of those lands which would serve for its security. Since that time, that operation has become habitual: the lion which has once tasted human blood, will not easily allow any passengers to travel near his den. Every revolution has been followed by a confiscation, and the deficit of every month has been covered by a new issue of paper currency, till at last the enormous quantity of that paper which has inundated the realm, has effectually driven away whatever capital might remain in a country where neither law, order, commerce, nor industry can exist. The terms, indeed, offered by the nation to the purchasers of confiscated lands, are of the most advantageous nature imaginable, for the purchase money is to be paid by instalments in twelve years. Yet, notwithstanding this, on the 10th of last January, the National Convention received assurances that purchasers were not to be found in the country. To what, then, must they look as a market for their only commodity? To foreign capital, to the introduction of foreign money into their native country, by holding out great apparent profit to all those who may be inclined to become purchasers of their land. And shall we, in a state of war with that country, not endeavour to deprive them of this only resource? Do we not know that the greatness of the premium offered must depend on the necessity of the party which offers the premium; and must we not make the extent of that necessity of our enemy serve as the rule of our exertions to prevent them from supplying that necessity? We did, indeed, hear at the beginning of the session, among many reasons for not entering into the war, one of peculiar cogency, and urged with peculiar force: "Beware," said some honourable gentlemen, "how, you engage yourselves in a war with enemies whom your armies cannot reach, nor your fleets encounter." Those hon. gentlemen, however, since the war has happened, declare that they will give it their utmost support—and how? "We will vote armies, we will vote supplies, but we will not allow any precautions to be taken; but the money which is to raise those armies, to fit out those navies, to fill those supplies, should be drained off to the support of that enemy which, from the time of its existence, has always thwarted your power, and opposed your prosperity; which, from the time of its revolution, has waged a more dangerous warfare against those principles which have served as the basis of your internal happiness and external glory; against that happy attachment for established usage, that habitual reverence for constituted authority, which, in every government and every country, forms the last analysis

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of public force; and which, as the last mad act of its desperate hatred, has declared open hostility against your houses and your altars; has declared war against your king, against your king in his person, against your king in his authority; a *bellum internecinum*, against that constitution which has established his authority, which has sacrosanctified his person."—The hon. gentleman who spoke before me has particularly dwelt on the impolicy of restraining the liberty of insurance. He justly states, that in 1747, a measure exactly like that proposed in the present bill was adopted by the legislature, contrary to the opinion of lord Mansfield, who was then solicitor-general. No one can have more veneration for that authority than I have; but the hon. gentleman must allow me to remark, that, with the same propriety with which he assumes the precedent of the solicitor-general, may I also assume that of the legislature. He states, what I by no means dispute, that the gain of this country by the insurance of French ships, during that war, was annually 100,000*l.*; but let me observe, that insurance is a commercial speculation, like every other, and subject to the same vicissitudes and risks. If, therefore, the gain to the country was so great in 1747, it is no reason it should be so in 1793. Of this we are certain, in both instances, from the nature of that speculation, that the insurer must gain by the escape, and lose by the capture, of the enemy's ships: and of course be much more interested in the enemy's commerce than in our success. I am no less an enemy to commercial restrictions than the hon. gentleman. I think that those which are laid on commerce, for commercial purposes, are generally unwise and burthensome; but when a commercial restriction is proposed for a political purpose, it behoves the legislature well to examine whether the probable political advantages do not counterbalance the probable commercial injury, and whether the evil to be counteracted by the proposed regulation be not of a nature dangerous to that political situation, on which depends the very existence of commerce itself. This I firmly believe to be the case at present, and most unequivocally agree to the expediency of that clause.—Another clause, of a more objectionable nature, has been much commented upon by the hon. gentleman; I mean that which obliges British subjects, on their return to England, to wait at the port where they land, till they obtain a passport from the secretary of state; a clause, which, however harsh, I believe to be perfectly justified by the exigency of the case. Persons now abroad, and likely to return home through the French dominions, are expressly excepted from the operation of the bill, by a preceding clause; persons residing now in France for commercial purposes, can only remain there by an act of complaisance in the French government; and I do not think it probable they would meet with a refusal of a passport from any ministers whatever. But there is another description of gentlemen now in France, against whom I cannot help thinking the strictest precautions necessary; I mean those who are gone thither to contemplate more nearly that dreadful convulsion of the moral world, with whose effects we still tremble, from whose shock we are still in danger: that their return to this country should be dangerous, it is no slander on the people to suppose; it is no slander on the people to suspect that there are amongst us many persons liable to be seduced by their communication. I will not refer you to the opinion of ministers; I will not refer you to the opinion of those gentlemen with whom it is my boast more peculiarly to act; I will not refer you to the opinion of the very respectable magistrates we have heard in the House, or to the common opinion of the people; but I will refer you to the testimony of an hon. gentleman below me, (Mr. Sheridan) for the ground of my suspicions: that gentleman, on a former day, when he moved for an examination into the existence of seditions, did inform us, that there had been a society in London, in which twenty unlettered tradesmen had been seduced by the rhetoric of a learned shoe-maker to imbibe pernicious principles, and to seal their conversion by a letter to the French Convention. Have we any reason to suppose that society to be the only one of the same nature; or rather, that a similar concretion was not forming round the learned shoe-maker of every village? With that suspicion, I should betray my duty to the people, did I not endeavour to prevent the return of that danger; besides, from what we lately heard from a learned gentleman (Mr. Erskine) we may be entitled to suppose this bill to be an act of lenity, rather than harshness, even towards those persons to whom I have alluded. The learned gentleman did then inform us, that any subject

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of his majesty, having uttered treasonable expressions in a foreign country, and returning afterwards within the realm, may be indicted for high treason; and he instanced the case of Crone, who, having said certain words against the life of king William, in France, was condemned for them on his return to England; his return being considered as an overt act of his declared treasonable intentions. Now, Sir, I do sincerely believe, that few of the gentlemen in France have an idea of the force of that law, and that most of them have unwittingly incurred the penalties of high treason, by expressions as public as those of Crone, and as incompatible with the sufferance of any existing government. For what have been the expressions of every address to the National Convention? What could have been the expressions of the act which merited to the Englishmen who presented it, the fraternal title of "generous republicans?" Now, Sir, the gentlemen who have made use of such expressions, would, I should think, in their return to their native country, prefer depending on the secretary of state for a passport, to the being served, on their arrival, with an indictment for high treason. The hon. gentleman says, that he does not think himself obliged to afford ministers the support which they may think it right to require of him. I do not know what degree of support any minister may require; but I well know the extent of that support which, as a faithful servant of the people, I am called upon to give them; and according to that opinion, it is my intention to act.

Major *Maitland* said, that as one great and avowed purpose of the present bill was, to prevent the capital of this country from being carried to France, he would ask the attorney-general, whether he meant to include, under the regulations of the bill against purchasing in the French funds, such natives of France, as are resident in this country under the alien bill? Or, whether he meant these regulations to extend to British subjects who have at present property in the French funds, and who cannot bring the interests arising therefrom into this country, except at a loss of 60 per cent. so as to prevent them from applying these interests in purchasing in the funds of France? With respect to the clause altogether, it was indeed preposterous to suppose, that Englishmen having here the best and most permanent security for their money, should send their capital to France, where they could have no security at all; it was also most impolitic, because the French would undoubtedly wish to send their capital here; but if such a regulation as this was adopted by us, it might well be supposed, that France would do the same; and besides, we should be doing the government of France the most material service by forcing Frenchmen to employ their money in their own funds.

The *Attorney General* said, that as to the first question he would answer it in the affirmative; but it appeared to him that the subject of the second might deserve to be considered in the committee.

The bill was read a second time, and on the motion, that it be committed to-morrow,

Mr. *Fox* expressed his surprise that the learned gentleman should wish to carry through the House with such precipitation, a bill which, he did not hesitate to say, was an attack upon the fundamental liberties of Englishmen, and a measure equally ineffectual, impolitic, and tyrannical. An hon. gentleman had differed from him on this subject, but had been so candid as to say, that those who now opposed this bill had, ever since the year 1783, maintained the most constitutional principles. It was an adherence to these same principles which made them now express their disapprobation of a measure which every good whig, as a whig, must heartily reprobate. Time ought to be allowed for discussing it; the precipitation with which he saw it was now to be hurried through the House could answer no other end than that of preventing discussion. A law of no less import than that of preventing Britons from returning home to their country, was, without time for consideration, to be committed the next day. Why?—for no other purpose than that of hurrying it through the House before the recess. It was, he said, to be committed to-morrow, reported on Monday, read a third time on Tuesday, carried to the Lords on Wednesday, and on Thursday the recess commenced: so that even by that method it could not be done, and those who attempted it only committed a useless act of indecency. He trusted that gentlemen on the other side would not be quite so precipitate, but would allow some little delay. The bill affected the nation at large: it was fit, therefore, that time should be given for the people to express their opinion upon it; and he believed

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that that opinion would be found to be extremely unfavourable to it; for, by what he could learn, no bill had ever been brought into parliament which was more unpopular, as far as it yet reached. In short, he considered it to be such an encroachment on the rights of the people, and such a degradation of justice, that the House should wait for the sense of the country. He declared that there was not a single clause in the bill to which he would not, in the committee, give his dissent, unless he should find something stronger in favour of the clauses, than had yet been advanced. To the clause for making it necessary for Englishmen to procure passports from the secretary of state, to return to their own country, he was determined to give the most steady opposition; for by that clause Englishmen would find themselves placed in the most degraded situation, when obliged to ask a secretary of state's leave to return to their country and their homes. For his own part, he should despise himself if he could silently suffer himself to be placed in a situation in which he should be obliged to apply to a servant of the crown, as a favour, for leave to return to England, or to his own house.

Mr. *Pitt* said, that the opposition to the motion did not go to the question whether the bill should or should not pass into a law, but whether it should be investigated in a committee and pass through that House before the holidays. For the delay proposed, the arguments appeared to him to be curious. The question for the House now was, whether those who thought this bill, as the right hon. gentleman had been pleased to describe it, either ineffectual, impolitic, or tyrannical, were at this time prepared to give their sentiments upon it. He, for his part, thought that no delay was necessary for that purpose; for, surely, gentlemen who were pleased to speak their sentiments so decisively, wanted no time to make up their minds. If there was any serious objection to the principle of the bill, how were gentlemen who pretended to have such objection, to account for their conduct this night, in suffering the question for the second reading to pass *nem. con.* The principle being thus disposed of, the question then was, whether there were any clauses in the bill which could not be discussed in the committee to-morrow, and whether gentlemen were not prepared for that purpose? The right hon. gentleman said, that all the clauses were either ineffectual, impolitic, or tyrannical. If he knew that to be the character of them, there could be no difficulty in his proving that in a committee to-morrow, as well as on Tuesday. Indeed he saw no reason for delay. The bill had for its object provisions upon general points. The objections were general, and the leading one was, that it added to the offences already declared to be treason, at a time when there was not any reason to apprehend any danger to this country; that it was not brought forward under any circumstances which required any extraordinary exertion. He differed entirely upon that point, and it was in consequence of that difference he thought it was necessary to amend the law of treason. There often had been mentioned two classes of men, who were supposed to have opposite principles—whigs and tories. There often had been those who called themselves whigs, but who in principles were tories, and afterwards proved themselves to be such. He knew how often it had happened that tories had availed themselves of the popularity of the character of whig, and had therefore assumed the title and language without the principles. But without regarding names, when measures ought alone to decide, he would say, that those great men who had effected the Revolution of 1688, and thereby asserted the rights and liberties of the subject, could not be deemed enemies to what they had thus nobly and firmly asserted at the hazard of their lives; and yet those men had laid down a precedent, which the present bill followed only at a distance, and was very far from equalling in point of severity. The clause against supplying the fleets or armies of France with naval or military stores was allowed to be law already; it was therefore neither new nor tyrannical; but rather a humane warning to persons, to put them on their guard against acts which might bring upon them the penalties of high treason. It might be doubtful whether the clause for preventing British subjects from supplying individuals in France with naval or military stores was or was not law already; but surely it was humane, not cruel, to remove the doubt, and prevent men from being ensnared by the ambiguity of an old statute. The clause which seemed to have given the right hon. gentleman the greatest offence, was that which made it necessary that British subjects returning to Eng-

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land from France should provide themselves with a passport from the secretary of state. This clause was novel only from its mildness; for in the act of king William, passed in the best of times, and by the most declared and best known friends of the constitution, it was made infinitely more penal in a natural-born subject of the king to return from France to England without leave. The then circumstances of the times justified the rigour of the act of William; and the present state and principles of France would warrant a much stronger measure than that which was to be enacted by the clause in question. Every part of the bill was simple, very little of it was new, and therefore there could be no occasion for delay.

The *Attorney General* said, that in the division of the clauses of the bill on which the right hon. gentleman had commented, he had thought proper to stigmatise some of them with the epithet of tyrannical. It would certainly be doing injustice to himself, as the author of that bill, if he suffered such an imputation to remain on the principles on which it was founded. The same provisions which were contained in the present act, were adopted at the era of the Revolution, and when the sole question between this country and France related to our right to fix the succession to the throne of these kingdoms; and our ancestors on that account, had deemed it proper to pursue similar measures with those which were at present adopted. And, at the present crisis, when the very existence of the constitution was endangered, could that be thought tyrannical which was then considered as justifiable? With regard to the prohibition of British subjects to return from France without a passport, if any such restraint was requisite, and abundant proofs of its necessity might, and had been adduced, the way in which it was imposed was of a most unobjectionable kind. The party landing in Great Britain, though he might have been refused a passport by the secretary of state, might easily obtain his freedom by giving proper security to any neighbouring justice of the peace, and, finally, by appealing to the courts at Westminster, obtain exemption from any kind of restraint. And though particular hardship might possibly arise, yet the plan itself was perfectly defensible, on the difficulties which had arisen from the singularity of existing circumstances. Nothing was more absurd in determining on the intrinsic merit of any measure which was brought forward, than vague obsevations on its popularity or unpopularity in the country. Even on that ground, however, he was willing to meet the right hon. gentleman, and could with confidence assert, that in every circle of which he had knowledge, it was spoken in terms of universal approbation. In corroboration of what he had said, he begged leave to inform the House, that he had, since this bill was in agitation, received a letter from a surveyor, stating, that had not such an act as this been likely to pass, he was engaged to go over to France, there to survey some lands which were to be purchased by British subjects; but at the same time he did not wish to allege specific facts in support of a plan which was founded on the more broad and permanent basis of general policy. If the National Convention had distinctly confessed that the means of carrying on the war were to arise from the sale of lands, surely a clause which prevented Englishmen from parting with their money on the security of such lands, was a deprivation to France of the means of carrying on the war. As to the charge which had been thrown on government of having libelled the people of this country, by the implications in which they had involved them by the terms of the present bill, he had flattered himself that that subject had been dropped long since. It had been said at the beginning of the session that the loyalty of the people of England was libelled by the preparations of government, and he did not imagine that the charge would have been renewed on the present occasion. It was a fact that the most dangerous doctrines had gone forth; doctrines, the operation of which could not be checked but by declaring them liable to the penalties of treason. At the period of the Revolution, the doctrine that the king, lords, and commons could not regulate the succession of the crown, had been declared to be treason; and were not the same or more dangerous doctrines held out at this moment? The measures which government had adopted had met with the approbation of nine tenths of the people without doors, and of a considerable majority in that House; and, when those measures had been disapproved, the gentlemen who disapproved them had been the only libellers; they had been the libellers of the majority both of that House and of the people without doors. He

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next contended, that the clause prohibiting insurance, was neither impolitic nor ineffectual. It might be asked, since many of the facts specified in the bill were treasonable by the statute of Edward 3d, why make them so again? To this question he should only reply, that the repetition had not been made without the sanction of many examples on similar occasions.

Mr. *Sheridan* said, that as to the bill being in some parts of it tyrannical, that part of the subject had not been fairly treated by the advocates for the bill; they said there was no evil in it for which there was not a remedy. If a man came from France, and was taken into custody for not complying with certain capricious distinctions, he might apply to the secretary of state to be discharged, and he should have his liberty. How? If the secretary of state pleased, but not otherwise. Could any thing be more tyrannical than such a measure? As to the libel on the people of England, that they were many of them disposed to sedition, that the present times were full of danger, and that the bill was only a mitigation of the law of treason as formed by the founders of the Revolution, there was the most gross misapplication—at the time when the alterations were made in the act of Edward 3d, there was indeed reason to apprehend sedition and rebellion; that was a law in consequence of the petition of the people praying for it, and it was carried against the influence and in direct hostility to the crown. It was matter of astonishment to him, that gentlemen could gravely say that there were treason and sedition in this country; that there were the same reasons at this day for the bill, as there was at the time of the revolution; that the present moment required the same restraints, as when there was a plot against the safety of the state. He was sure the charge of sedition on the people of this country, was a foul calumny upon them. Let the attorney-general produce his proofs. Let him tell that House that he would take up one man in the kingdom for treason. Let him name one man whom he suspected. Let him charge one man with a seditious view. But whenever these questions were asked, instead of showing the existence of the evil, ministers contented themselves with producing a remedy. Did we ask for proof of sedition? Look at the alien bill, was the answer. They proved the distemper, by insisting on providing a remedy. This was like a physician saying to a person who knew himself to be well, "You want physic," or, "You must be bled to-day." If the answer was, "I am well, I do not want your assistance;" then the doctor would affect a resolute tone, and insist on bleeding his patient to-day; and if he did not then find himself ill, he would put him in a strait waistcoat to-morrow. With respect to what the chancellor of the exchequer had said upon Whigs and Tories, he did not know any person so well fitted to prove that a man might affect to be a Whig, and yet be a Tory in his heart: he did not know a man who had greater reason to feel what he said upon that subject, or to understand it better. If the right hon. gentleman meant any thing by what he had said on that subject, he meant to convey a sentiment, and establish a doctrine the most pernicious to public liberty; namely, that public profession of principle was altogether a piece of delusion upon the people. This was done by the minister with a view of bringing all public spirit into contempt, to destroy all distinction between the friends of freedom and the friends of despotism, and to build his own power upon the ruin of both. But whatever he might think, there was too much good sense in the people of this country to be imposed on by such stale attempts; they began to see the difference between their friends and those who wished to deceive them. Ministers began to feel that the story of seditions, and all the trade of the alarmists, began to flag, and therefore this bill was brought in to revive the delusion; but the people might be said to be like those who had been sworn at Highgate—they never would take a counterfeit while they could have the reality.

Mr. *Pitt* said, that with respect to the insinuation of the hon. gentleman upon whigs and tories, if any abandonment of principle was ascribed to him, or the attempt to subdue all principle in political considerations, it was an imputation which he disdained. He held not the principles of some persons who had lately called themselves whigs, but the principles of liberty settled at the Revolution.

Mr. *Whitbread* thought the conduct of ministers in the present instance highly indecent, and strenuously urged the propriety of deferring the commitment of the bill.

The question being put, that the words

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"to-morrow morning," stand part of the question; the House divided:

TELLERS.

YEAS	Mr. Rose Mr. Serjeant Watson	127
NOES	Mr. Whitbread Major Maitland	37

So it was resolved in the affirmative.

March 22. On the order of the day for going into a Committee on the bill,

Mr. *Fox* implored the delay of a day or two before they went into a committee. The measure was fraught with so many evils, that the most mature deliberation was necessary. If the country were sufficiently apprized of its dangerous and unconstitutional tendency, he entertained no doubt but it would meet with universal detestation. He could not resist expressing his indignation at the precipitancy with which so extraordinary a measure was enforced.

The House having resolved itself into the Committee,

Mr. *Grey* said, that before such a bill had been introduced, some proofs ought to have been given, that the country was endangered by the traitorous correspondence now alluded to. In his opinion it was totally unnecessary, as the 25th Edw. 3d tended to prevent every overt act, which generally, in times of public emergency, was deemed treasonable. Both the title and preamble of the bill were false. The first ran thus: "A bill more effectually to prevent, during the war, all traitorous correspondence with, or aid or assistance being given to, his majesty's enemies." This certainly implied that there were among his majesty's subjects some dangerous mal-contents, who aimed at the subversion of the government of this country, and the complete overthrow of our constitution. This allegation he would totally deny, till he saw proofs to the contrary. As to the preamble, it was equally fallacious. It declared—"Whereas it is expedient more effectually to prevent traitorous correspondence with, or aid or assistance being given to, his majesty's enemies, during the continuance of the present war." This undoubtedly implied that the 25th Edw. 3d was not sufficiently strong. He was of a contrary opinion, and thought it well calculated to prevent all traitorous correspondence. If that act was considered weak and insufficient, why not say so? Why libel the people of this country, by insinuating that they were favourable to the cause of the enemy? As both the title and preamble were founded on false principles, he proposed that the whole should be postponed; and if any law were necessary, which he denied, something less objectionable might be introduced.

The *Solicitor General* observed, that every treasonable act contained in this bill was of that nature by the existing laws of the country, and the sole object of the bill was accurately to ascertain the nature of such acts. According to the true spirit of the statute of Edw. 3d the framers of this bill had come to the House for a legislative exposition of the old law, rather than leave to judges the power of putting a judicial interpretation upon it. The second clause, preventing the purchase of lands in France, was clearly treasonable; and it was impossible to say, that selling naval and military stores to the French was not aiding and assisting his majesty's enemies. The third and fourth clauses were both justifiable and expedient, on the grounds of general security to the country and safety to individuals; and though ministers might be upbraided as being the supporters of arbitrary power, by a body of men who arrogated all public spirit, patriotism and virtue to themselves, yet they would go on undaunted in their career, while they were conscious of consulting the defence and prosperity of the nation. According to his ideas, insurance of enemies ships in time of war was aiding and assisting his majesty's enemies; and as far as he could view the matter, the title was perfectly consistent with the preamble.

The *Attorney General* defended the preamble. In adopting it he had followed the example of lord Somers, and some of the greatest men that ever were in this country. In every act of this sort, it was necessary that it should admit of a more general interpretation than could perhaps be wished, if the evil could be otherwise sufficiently guarded against. For instance, in the present case, it might no doubt be true, that some persons going from this country to France, or returning hither, might have no improper intention whatever, yet, as other persons might probably go there, or return from thence, for purposes hostile to this country, it became necessary, in order to guard effectually against these, to make a general regulation, prohibiting all persons either

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from going to France, or returning from thence, except under such regulations as may be consistent with the safety of the state.

Mr. *Hawkins Browne* said, that although there were some gentlemen who had differed from him on the subject of the necessity of the present war, and who had supposed it might have been averted by negociation, yet now that we had been so unjustly attacked, and were actually at war, he had hoped that every gentleman would unite in supporting such measures as might be necessary to the carrying on that war with vigour and effect. The grand question in his opinion was, "Whether we should have any king, any constitution, or any government at all?" Were he enthusiastically fond of republicanism—were he the maddest zealot that had ever admired Harrington's Oceana, he would at this time defend the British constitution against the new system. God forbid that we should ever have a government imposed upon us by France! He went on to state the danger arising to this country from the principles and objects of France in the present war; its evident intention to interfere in the internal polity of this country; and his abhorrence of the idea of our receiving, what he might otherwise reckon a benefit, if imposed on us by the power of France: because the constitution spurned all foreign interference. Had he been a Jacobite, he could not have brought himself to have received from such influence, the establishment of his favourite king.

Mr. *Anstruther* asked if, when gentlemen objected to the preamble of the bill as containing an absolute falsehood, they meant to dispute that it was expedient to prevent the corresponding with, or giving aid or assistance to, his majesty's enemies? for nothing was asserted in the preamble except that it was expedient to prevent these three things. It had been said, however, that the preamble ought to be postponed till the facts were proved, and, if the preamble stated any specific facts, he should perhaps agree to this. The bill was one of prevention, and the merit of it was, that it came in at the beginning of a war, before any correspondence with the enemy had taken place, or any aid or assistance had been given them. He then vindicated the general principle and several clauses of the bill.

Mr. *Powys* said, that it was the uniform practice to postpone the preamble of bills till the different clauses were discussed, and stated that, in his opinion, the House had already decided upon the necessity of the bill as well as its principle, by giving leave to bring it in.

Mr. *Fox* was against postponing the preamble. The hon. gentleman who spoke last but one, had quibbled on this preamble in a most extraordinary manner, and had been obliged to state it unfairly in order to support his deduction: he had asked whether it could be denied, that it was expedient to prevent corresponding with his majesty's enemies, &c.; but the words of the preamble were, that it was expedient more effectually to prevent such correspondence, &c.; and he would ask, whether, without any knowledge of the insufficiency of the existing laws, or of any extraordinary urgency, the House would think it right to enact such dreadful provisions as some of those which composed this bill? Gentlemen talked of what had been done at the Revolution. Let them follow the example of those who acted at that time, by adducing evidence of the necessity of the measure. Upon the principle now asserted, if a handful of men, however insignificant, or however small in number, should happen to entertain opinions subversive of the established constitution, this alone would be held sufficient to justify the investing government with the most arbitrary powers, though there existed, in fact, no real danger. An hon. gentleman had said, that if he were a Jacobite, he would not take the part even of his favourite monarch, if imposed on him by the power of France. For his part, if the constitution which he so much venerated was to be destroyed, he did not care whether its overthrow came from France, or originated at home. He would support ministers in carrying on the war, but he would not agree to undermine the constitution; and he could not give his concurrence to the proceeding one step farther in the present bill without evidence of some great and urgent necessity. It had been hinted, that inconveniences had arisen during the American war, from improper intercourse with the enemy; for his part, he had never before heard of it, and he was sure no such thing had ever been proved. He believed that, during the war which began in 1756 and ended in 1760, less restrictions had been imposed than in any other war, and he would submit it to gentlemen, without any observation, whe-

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ther this had been attended with any bad consequences.

Lord *Beauchamp* thought that no parallel could be drawn between the war of 1756 and the present. This war had peculiar features belonging to it, which set at defiance all attempts at comparison with former wars. In every former war the countries engaged respected the constitutions of each other; but in this, our enemy seemed satisfied with nothing less than the complete destruction of our whole political establishment. The bill appeared to him a necessary measure, and therefore he saw no reason why they should postpone the preamble.

Mr. *Burke* rose in defence of the bill. He said he rejoiced that, in times of public emergency, the ministers and the legislators of this country reverted to the salutary principles of our ancestors. This was undoubtedly the best mode of discharging their duty to the country: and while they adhered to this maxim, no person need apprehend that the constitution would not be taken care of. The present bill had, he said, been condemned with much acrimony by the gentlemen who led the opposition phalanx; but although he had listened with the greatest attention, he had not heard one argument which could prevail upon him to alter his opinion, that the regulation now introduced was neither unwise nor unconstitutional. They had been lavish of their censure, because they asserted that the measure wanted precedent; but, when they made this assertion, they did not recollect, or, what was almost the same thing, they did not choose to recollect, that in several periods of our history similar precuations had been adopted by the government for the time being. He would not overcharge their memories with instances from remote times, but content himself with producing one which occurred in the year 1688, when a happy Revolution took place in this country—not a revolution stained with blood and infamy, as that lately adopted in a neighbouring kingdom. To convince them of what he now advanced, he affirmed, that the very next chapter to the Bill of Rights contained an act empowering king William to take up and imprison all suspected persons. The people of those days, who were jealous of their rights and liberties, were not heard to murmur against the proceedings of government, but suffered the whole to pass in silence, fully persuaded that they acted for the security of the nation at large. The same policy was afterwards adopted by the ministry who followed; and their political sagacity was much applauded. With regard to whig and tory, if properly understood, he hoped that neither of them could be considered as an enemy to the country. A whig was, in his opinion, a person who agreed to the constitution of king, lords, and commons; but who, on any public misunderstanding, would adhere to the aristocracy and democracy of the country, rather than yield to the monarchy. A tory was a person who acted upon a contrary principle, by favouring, on all occasions, the prerogative of the crown. Those who believed that the constitution was amply secure without the present bill, argued on false principles. The constitution alone could not defend itself. It required all the manly efforts of those who were its guardians to repel every storm which menaced its overthrow. No period had occurred in history more detrimental to its vital principles than the present; and government merited applause and gratitude in proportion to their vigilance and activity.—Some gentlemen had condemned administration for their remiss conduct; but they ought to recollect, that a little rest from the fatigues of business was at times requisite. Sleep, the sister of death, was as necessary to the body politic as to the body natural. Sleep was a cessation of all our faculties. It was a relaxation which infused into the vital stamina a new portion of health and vigour, and enabled all the members to exert their various functions with a greater impulse and effect. I therefore rejoice, said Mr. Burke, that ministers are aroused, and predict the happiest consequences from their energy. From their resolution and activity I anticipate the overthrow and humiliation of the enemy; and have no doubt but that the warmest congratulations will follow their enterprise and success. You are now at war with an enemy who has waged war with your constitution, and who has been but too successful in establishing among you a dangerous domestic faction [Here there was an interruption of No, no!]. Gentlemen may now deny the assertion, but at a future period I will name them, to their confusion, though not to their shame.—Every kind of government, whatever may be its organization or structure, implied and required that a man should surrender

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part of his natural rights to obtain those that belong to society; in a word, that he should forego part of his liberty for the security of the remainder. It was this social principle that induced men to unite and frequently to deprive themselves voluntarily of their freedom, that made them submit to a temporary inconvenience with the view of making it afterwards permanent. Thus it was that in a siege it was found necessary to stop all intercourse between the besieged and the besiegers, to prevent all opportunity of desertion, and modes of injurious communication. Under the pressure of certain difficulties, it was usual to raise the draw-bridges, let down the portcullises, und actually to imprison themselves—their object being the ultimate preservation of their liberties. The enemy of England appeared now at our gate; and however contention may at times prevail between parties aiming at power, or influenced by different political opinions, this was a situation which admitted of no disunion. Dumourier, in advancing into Holland at the head of his barbarians, considered his acquisition incomplete, without carrying his constitution along with him. Every civil or political restriction whatever that was new, must appear a hardship upon an Englishman; but those restrictions were imposed to secure advantages of the greatest possible magnitude and importance. We had nothing less to apprehend than slavery and submission to a foreign yoke—the last of all calamities. He would wish Brutus to submit to Cæsar, or Cæsar to yield to Brutus, rather than that Rome should be subdued by any foreign conqueror. So it was with England. Any internal inconvenience which might result from granting unusual power to the ministers of the crown, even if badly exercised, was infinitely preferable to the situation we must be in if Dumourier and his barbarians were to come amongst us, and, with an appeal to the sans culottes, convoke primary assemblies, to rob, and at the same time to legislate for the nation.—The present bill was neither contrary to reason, nor repugnant to law. A variety of instances might be adduced to prove this assertion. It was no greater hardship on the subject to say, you shall not aid or assist the common enemy, than to say you shall not keep tools or instruments for coining in your possession. An act had been passed prohibiting men from wearing publicly black masks, because, under that disguise many acts of outrage had been committed. It might, Mr. Burke ludicrously observed, be thought a scandalous act of oppression to prevent the subjects from the enjoyment of a public masquerade—but the state of the times rendered it necessary. It was needless to go into a detail of the various prohibitory laws. The whole history of the police contained explanations on the subject.—Mr. Burke then took the opportunity of denouncing the several clubs of France that had bestowed upon him such marks of obloquy. This denunciation he considered as an act of reciprocity, because they had been particularly attentive to him. I should not, said he, be very glad to see in this country the *Visite Domiciliare*. It is a very pretty expression, but I confess I am not over zealous for its practice. There again is the *Tribunal Revolutionnaire*, which I never wish to see introduced here, however highly the French republicans may extol the system. And last, though not least, the *Douce Fraternité*. All which happy assemblies I hope will be confined to France, and that no attempt will be made to force them on the people of this country. Mr. Burke proceeded to read from the Moniteur of the 17th instant, the following extract from the speech of citizen Lasource in the Convention—"The moment is not yet arrived in which may be seen at the bar of the Revolutionary Tribunal, that Orestes of the British parliament, the madman Burke, that insolent lord Grenville, or that plotter Pitt. But the moment is arrived, in which the public have summoned them to the bar of their opinion. The moment is arrived in which they are consigned to the detestation of all nations, whose execrations and anathemas they so richly deserve—Scourges of the earth, and vultures preying upon the vitals of the people, they have failed not to scatter their crimes, and their gold, to distract a nation which they despaired of being able to conquer. Contented with her own liberties, France felt no wish of carrying her arms beyond her frontiers, till she was provoked by unnecessary acts of aggression. Her anger is now roused, and those against whom it is directed, shall feel the tremendous effects of it. The machinations of these men are discovered. Their gold and their infamy are scattered in vain. Let these conspirators against the human race know this and tremble. We have swords, and we have men to wield them.

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They have misrepresented the independence of the French nation. They have invariably represented us as robbers and as cannibals. Soon shall they be laid prostrate before the statue of liberty, from which they shall rise only to mount the scaffold that awaits them, and to expiate, by their death the evils in which they have involved the human race."—Mr. Burke made various comments on this passage, and went on to observe, that there was a considerable difference between a well-tempered vigilance and watchfulness, which calmly pointed out to an administration the errors of their plans and the necessity of changing them and the frivolous, cavilling, vexatious, petulant opposition, which thwarted every thing from obstinacy, peevishness, and envy. Whether the conduct of certain gentlemen bore a greater resemblance to the one or the other of these, he would leave it to the country to judge. For his own part, he would soberly, rationally, and firmly support a war, which involved in its event the safety of the constitution; conscious, that by entrusting a portion of discretionary power in his majesty's ministers—which he would not withdraw till he saw it abused—security might be obtained; which by with-holding it, would be lost.

Mr. *Sheridan* said, that the right hon. gentleman had, as he usually did, made a very eloquent speech, and, as usual also had applied his wit, his mirth, and humour, upon subjects which did not perhaps call for either—wars, treasons, murders, and massacres. He had begun with saying he was always desirous of appealing to the House, on the sense of what he called the good times of the constitution. Mr. S. said, he should be glad to join in that appeal, if he saw it done with an honest intention, or if he did not see that it was done by gentlemen who only referred to those times when they had to introduce any subject which had for its object the increase of their own power, and who took references from times of danger, for the purpose of quoting the degree of confidence which was then thought to be necessarily reposed in the officers of government; the better to prepare the people at this time to the same confidence, when the same danger did not exist, and consequently where there could not be the same reason for such confidence and power. Here the right hon. gentleman's deception began. He said, that immediately after the declaration of rights and the bill of rights, came a power by which the king was enabled to order any person to be taken up, and that on suspicion only, of being an enemy to the state. Having advanced thus far, the right hon. gentleman then came to a conclusion directly, that what was done on that occasion should certainly, by the fairest reason, be done on this; for, said he, would you not do now, what the wisdom and virtue of your ancestors prompted them to do under similar circumstances? The answer was plain and short. The circumstances are not similar. We were at the time that the right hon. gentleman alluded to, at the era of a Revolution. Was that the case with this country at this moment? Did the right hon. gentleman mean to say, that we are now in an equal degree of danger as we were at the time of the revolution? If this was answered in the affirmative, then there might, upon that answer, be an end entirely to every barrier which the subject ever had against oppression; for if we were now in a state as alarming as at that period, the argument would go to the suspension of the Habeas Corpus act, and to place the whole kingdom under martial law.—But it seemed that the present time was to be considered similar to that of the Revolution to a degree. To a degree! To what degree? If two or three factious persons could be named in this country, was that to be considered as similar in such a degree to the time of the Revolution as to render it necessary to introduce the same measure of precaution as at that period? But who were these very factious persons? Upon this the right hon. gentleman had come to something like a pledge that he would name certain persons of that description at some future day. He should expect of the right hon. gentleman the names of the conspirators; who they were; and what measures they had taken to manifest their intentions, and consequently to justify the right hon. gentleman with loading them with the black appellation of traitors. He should expect also of all the supporters of the Bill, some proof of its necessity. If they failed in this, then he must declare them to be calumniators of the people. At the period of the Revolution, something like evidence was given of the necessity of the measures which parliament adopted. A plot had been formed against the king's life, and the

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king himself came to parliament and informed them of the discovery of the plot, in a speech which he delivered from the throne; the speech began with stating, "That there was a plot to assassinate his majesty; that there was a plan laid for the sudden invasion of the kingdom; that some of the conspirators were already in custody, and that care had been taken to apprehend so many of the rest as were discovered."* Now, he wanted proof, something like this. For, how stood facts with respect to sedition in this country? Why, he believed, there was one editor of a newspaper who had been frightened by ministers, and had run away; an attorney was under prosecution on a charge for which he had given bail, and a bill-sticker was in gaol. These were the mighty proofs of the whole country being in a state of insurrection! But, to come nearer to the right hon. gentleman's doctrine, and the consistency of his conduct —he had, in the course of the discussion of this subject, maintained the right of the legislature to alter the succession, and to support the principle of punishing those who asserted a contrary doctrine; and yet, if the right hon. gentleman was to be judged by his first pamphlet on the French Revolution, he would be the first to incur that penalty.—Having said this, he returned to what appeared to him to be the real spirit of treason, and he desired the learned gentlemen on the other side to refute him, if they could. The true way of defining treason, was by the intention of the party, and the overt act was only evidence of the intention. As to the observations of the right hon. gntleman on the necessity of rights remaining in a state of inaction for a long time, that they might require new vigour, and the simile of sleep to the body natural being the same as inactivity for a time to the body politic, there was no doubt of its being beautiful enough, and applicable too, for the minister had often sung a sort of lullaby to the constitution. But as sleep was the sister of death, and yet relieved the human body from the weariness of labour, surely there was no justice in comparing it to the affairs of human life, and the benefit of civil rights; for although a human being might sleep to recover his health, there was no necessity for rights in society to be suspended in order to be preserved. The only objection he had to the figure was, that it had no truth for its foundation, for there was none of the weariness which required rest to any of the rights of the people of this country. The right hon. gentleman had made some allusions to a fortress, and had said, that it was in some degree like a prison; but it became so only in consequence of a siege. Here, again, truth was not attended to in the figure, and upon this occasion he could not help coming to some facts well known to the public. This he did to show, that there was no ground for alarm in this country, and when he had done so, he trusted he should have answered the right hon. gentleman upon his observation of a fortress, evidently designed to prepare the people of this country for slavery, by comparing the island to a besieged fortress; then he must ask, whether there was any real cause for alarm when the duke of Richmond converted the tower into a fortress, and gave it all the appearance of a place preparing to hold out against an attack? Was there any information of designs being formed for the taking it? Were there any well-grounded apprehensions of danger to happen to it? If there were, then the precaution of the noble duke was right. If not, he must say, that this was part of the system adopted by ministers for a well understood purpose; they raised an alarm which themselves did not believe.—The right hon. gentleman said, it was not necessary, in all cases, to prove the existence of the crime before he produced the remedy. Here again, the right hon. gentleman was wrong in principle; for it was the essence of justice never to enforce a hardship without a proof of its necessity. As to the right hon. gentleman's observation upon a law which prohibits a certain number of people going together with blackened faces, which he instanced as a proof that the law prohibits a thing perfectly innocent in itself, for the sake of preventing an evil that might possibly attend it, he must say, that here again he was wrong, for this very act was not passed without proof of there being a number of persons who had frequently disguised themselves in that manner for mischievous purposes, and this was enacted to prevent further mischief. However, he was far from saying that a man should never make use of any art in support of his virtuous intentions. If any person carried a concealed dagger, for the purpose of assassination, he was ame-

* See Vol. 5. p. 987.

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nable to the law; but if he only brought it with him, concealed, and made use of it for the purpose of heightening the effect of an oratorical attitude, in the delivery of a sublime speech, he certainly was not. Again, the right hon. gentleman had alluded to the act of parliament which prohibited ships of a certain size and form from being employed in certain parts of commerce, in which the revenue was interested. An act, Mr. Sheridan said, which was harsh enough, and such as he did not approve of, but yet it was not passed before there had been proof laid before parliament of the evils existing, which this act was proposed to remedy. Thus far he had chosen to follow the right hon. gentleman on his own ground, that laws were made against things in themselves entirely innocent, for the purpose of preventing mischief. The fact was certainly so. But then the right hon. gentleman forgot to add a few words, a little essential to the sense of the maxim—"After some proof was given of the necessity of such a law,"—the whole of this had been totally neglected by the advocates for the present bill.—The right hon. gentleman said, that as to the destruction of the constitution, he had no apprehension of it, and that he had no thought of giving it up; and then he launched out, as usual, into bitter invectives against the new state of affairs of France. Mr. Sheridan said, he had no objections to our avoiding to imitate the French, and to act for ourselves in every thing. He wished that French principles old as well as new, should be avoided; but if in resisting the new, we inclined to imitate the old system of government in France, we should have no reason to congratulate each other upon our prudence. If we hated anarchy, it was not necessary that we should fly from it into the arms of despotism. The old system of that country united all things that were hateful to a lover of liberty. It was kept up by the most abominable mode that was ever known in any part of Europe—by military insolence, instead of civil law—by extraordinary trust and confidence in the king's ministers, instead of watchfulness and jealousy—by tame acquiescence in all his measures, instead of resisting or examining any part of them. He wished, therefore, that as we rejected the new system of politics in France, we should take care not to fall into any imitation of the old one.—As to what the right hon. gentleman had said upon giving up, if that became inevitable, the liberty of his country, and of the observation made upon the Roman empire, he had said that were he Brutus he should rather yield to Cæsar; or, were he Cæsar, he should rather yield to Brutus, than to the great monarch of Persia. The situation of this country was not so bad as to make it necessary to enter into the imagination of any man that there was any danger to be apprehended to us from any disputes between individuals to any number, much less between any two individuals. But there might be danger in placing such confidence in any one, as to be blind to the tendency of his measures, and suffering him to proceed without opposing them. For when Hannibal penetrated Italy, and arrived at the gates of Rome itself, notwithstanding all that devastation Rome recovered. After the Romans were attacked, and the city sacked by the Gauls Rome recovered. But after Cæsar had usurped the dominion, it never recovered: nor should he think this country safe, if any man in it should be suffered to proceed proudly, haughtily, and arrogantly, as if he were above the law, and should afterwards, by raising a false alarm among the people, by saying that the constitution was in danger, and that there were traitors in the country, ultimately obtain his object—the placing himself in his situation with an establishment of despotic power.—The next point to be considered was, the charges against the right hon. gentleman (Mr. Burke) in the National Convention. That right hon. gentleman had taken upon himself, on that occasion, to make use of the visites domiciliares as practised in France, as a proof of their violation of the principles of justice. It was certainly harsh enough; but upon this point, the right hon. gentleman might find some topics at home that would very worthily employ his wit, if he pleased; for to him the grievances and distresses of mankind were subjects of mirth. He might see in this metropolis the visites domiciliares thriving wonderfully under the auspices of Mr. Reeves, and the society of which he was so worthy a president; as also under Mr. Luke Ideson, and sir Joseph Bankes. These gentlemen, by themselves and agents, particularly the latter, had entered into a great number of houses, and had called upon the occupiers of them to give in a particular description of their inmates, the sex, the age, the sta-

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ture, the colour, the complexion. Sir Joseph particularly had examined into these circumstances, with all the curiosity of a naturalist; and he must say, that unless we abandoned this practice, we should complain with an ill grace of the visites domiciliares.

Mr. *Hardinge* said, he would explain to the House upon what grounds he approved the expediency affirmed in this preamble, namely, the expediency of preventing with more effect all treasonable correspondence and assistance to the king's enemies. He thought it expedient in every war, first, to declare doubtful cases of treason; second, to make treasons that were clear in point of law, better and more generally known; third, to enact new treasons, if the exigency of the case naturally pointed them out. He said, the hon. gentleman had said, that he hoped the new treasons would not be adjudged by the mere act, but would be determined by the purpose; that he hoped in God they would not, in mercy to the individuals warned against the offence, and in sound policy for the public. If the legal criminality of these acts were to depend upon proof as to the purpose, it would be a death's blow to the policy of the bill, and would ensnare the individuals, leaving them at the mercy of a loose interpretation upon the motives. He applied himself here to the acts of parliament which made the return to this country penal, and in times that gave to us those famous whigs the Cavendishes, the Bentincks, and the Russells. In these acts, the return to the country being constituted the offence, offenders were tried, and pleaded the purity of their motives. Lord Holt, the most enlightened of all judicial men, resisted their plea, and after commending the policy of these new laws, affirmed the offence to consist in the mere fact prohibited. Two men had, in the teeth of the act of William and Mary, returned to England, and on their trial offered in mitigation of the offence that they had no bad intention in returning; but that greatest and most respectable of judges said, that he neither knew nor could consider what their intention was; the act had in mercy told them what they should not do, and it was their business to know and be guided by it. He commended this bill for softening that hint, and converting the offence from treason into misdemeanor, with a power operating upon the responsible discretion of the executive power to make it no offence at all. He was proud of the support which he gave to the government in this bill, whose preamble was its principle, and which principle he took to be this: it was a bill which intended, by the tenor of example, to avert that species of adherence to the king's enemies, which made our subjects their store keepers, their bankers, their indemnity, their convoy, and their allies. With respect to commerce, as far as this bill touched upon it, he would cut the knot, and would say, "Let it perish,* if to keep it alive the war must be fed by the expenditure of more blood, and by the increased peril of all that was dear to us, in the continuance of so dangerous a conflict." As to loss and profit, he would ask, with whom are we engaged in this traffic? With common enemies? With enemies who warred, in a general view, for profit and loss? No. With enemies who lived by confusion; who hated all that was likely to be of permanent good, even amongst themselves; and profited by the convulsions of order in trade, as well as in every thing else. He justified the severity of this bill, in what he called the "ne exeat" and the "ne redeat," by a single word "fraternity," a word familiar at Paris, and engraved upon all the bayonets of our enemy in the field. It was the love, the patriot and protecting love to us which he deprecated; they loved us a little too well——

"Tantum infelicem nimium dilexit amicum"—

they embraced our disaffection, and they declared their wish to overturn the constitution, as a favour to the English patriots. Why should the English be resident

* "Among the hasty or strong expressions which might have fallen from Mr. Windham in the course of a warm debate, the greatest triumph was assumed by the opposition of the day from that of '*perish Commerce, let the Constitution live.*' But it is curious enough, that this remarkable sentiment, which was first charged on him in a pamphlet under the fictitious signature of Jasper Wilson, and was afterwards echoed and re-echoed through the country, had in fact never been uttered by him, but was owned by Mr. Hardinge. Mr. Windham, however, though he denied having spoken the words, justified the sentiment, under the explanation which he gave of it, namely, a preference, as an *alternative*, of government, order, and the British laws, above mere wealth and commercial prosperity." See Amyot's Life of Mr. Windham, prefixed to his Speeches in Parliament.

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at Paris in such a time? Why such a domicil? If they fought us with fraternity, would not the contagion of that good will to us be more likely to reach those with whom they lived in the habits of general society as friends? The return was therefore suspicious upon the face of it, after such a residence; but the suspicion could be defeated and repelled by a fair account of the individuals to the executive power, in whom the discretion was reposed. If that power was not well chosen for the purpose, and a better check upon the abuse of such a discretion could be suggested, he would accept the suggestion most gratefully. For these reasons he thought the bill had stated a correct principle, and that all its provisions were clearly, politically, and even mercifully applied.

The question for postponing the preamble was then put and negatived.

Mr. *Fox* observed, that the clause, making it treason in any of the king's subjects to supply the French with the enumerated articles, necessarily included the people of Ireland, and consequently it went to legislate for Ireland, by making that treason in an Irishman by an English act of parliament which was not treason by an Irish act.

Mr. *Pitt* said, it was, no doubt, true that the people of Ireland were the king's subjects; it was true that they had an independent legislature; but as they had a common interest with the people of England, so it might be presumed they would adopt such regulations as were calculated for the general good of both countries. When any such regulations were to be proposed, one of the two legislatures must take the lead, but it could not mean by that to act for the other. He felt that the subject was delicate, but he thought he might venture to go so far as to say, that if England was to make an act treason in all his majesty's subjects, which was such by any law of Ireland, if such act was done in Ireland by an Irishman who should afterwards come into England, he might be tried and executed for it. In like manner, if the parliament of Ireland was to make an act treason in all his majesty's subjects, which was no treason by any law of England, and should an Englishman do that act in England, and go afterwards to Ireland, he might be there arraigned and executed for it.

Mr. *Fox* called this the most extravagant doctrine he had ever heard. He could understand the idea of one country legislating for another under its dominion, but he had never heard of two independent countries legislating by turns for each other. He put the case, that the Irish parliament should happen, for the purpose of encouraging tillage, to give a bounty on the exportation of corn generally to any part of the world, at a time when England made the exportation of it to France, or to her allies, treason by the present bill: he asked whether there could be common sense in saying that an Irishman, who, in his own country would in that case be entitled to a bounty for having exported corn, should, in case he ever landed be liable to be hanged for the very act for which he had received a bounty at home. He equally ridiculed the doctrine that an Englishman might be executed in Ireland, by virtue of a law there, for an act done in England, and not prohibited by any law of England. The clause, worded as it was at present, would make it a question whether Irish merchants, residing within foreign countries, ought to be considered as coming within the penalty of this clause. His own idea was, that a law should be extended to those only whose appearance in a court it was in the power of the legislature to compel, and therefore that the operation of the clause should be confined to persons residing in Great Britain. Perhaps difficulties might be started also respecting the colonies, whose legislatures might think that the British parliament ought not to legislate internally for them.

The *Master of the Rolls* thought the question respecting Ireland deserved a grave and distinct discussion. He was of opinion that an act declaratory of the 25th Edw. 3d necessarily extended to all his majesty's subjects, and let the act of treason have been committed where it might, the person charged with the commission of it might be tried in England; and this doctrine was clearly laid down by a statute of Henry 8th. With respect to the colonies, he could not doubt the right of the British parliament to legislate for them; and when he heard that right questioned, he was disposed to think that Englishmen were going to dissolve the bonds of allegiance which held them together.

Mr. *Fox* replied, that he had never questioned the right of the British parliament to legislate even internally for the colonies: all he meant to say was, that of late it had been a practice founded in dis-

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cretion not to call forth that right into action without necessity. But this did not apply to Ireland; for if ever the British parliament had a right to legislate internally for her, that right had been formally and solemnly renounced.

Mr. *Anstruther* put the extreme case, that the parliament of Ireland should repeal that part of the 25th Edw. 3d which makes it treason to imagine the king's death, and that several gentlemen in Ireland were, in consequence of that repeal, to form plots for taking away his majesty's life, he asked whether any man could lay down so extravagant a proposition as to say, that should these gentlemen afterwards come to England, they could not equally be brought to trial and punishment here for that which was still treason in England, though it should have ceased to be so in Ireland.

Mr. *Fox* said, that such conduct on the part of the parliament of Ireland, were it possible, would afford a better argument for separating the two kingdoms, than for bringing persons to trial in defiance of general principles.

Mr. *Sheridan* said, he was so thoroughly persuaded that the two nations ought to act upon the same principle, that hostile as he was to the present bill, and wishing most sincerely that it might never pass into a law here, yet, should it become an act of the British parliament, it would give him very great concern indeed if it was not adopted by Ireland; because if it was not, England could not reap the benefit which she expected from it, if it should not be re-enacted by the parliament of Ireland. The good sense of the latter would always make her co-operate with England in the general cause, and there could not be good policy in forcing upon her, by a side wind a measure which he was convinced she would be forward enough to adopt of her own accord.

The *Attorney General* said, he certainly had formed his own opinion on the subject of the important discussion that had just taken place, though perhaps it might not be sound policy to state that opinion at present: however, as it was a matter of great moment in itself, and as gentlemen wished to have further time for discussing it, he was willing to adjourn the further consideration of the bill till the 26th.

On the 26th and 28th of March, the bill was further taken into consideration. Amendments were proposed to several clauses, and agreed to after much discussion. The first of them was to confine the operation of the bill to Great Britain. On the 4th of April, the clause which went to prohibit the return into this country of any of his majesty's subjects without his leave, being read for the purpose of negativing the clause,

Mr. *Whitbread* said, he thought the clause so detestable, that even in its death he could not help taking notice of its character; he could not allow it the benefit of the old charitable sentence, "de mortuis nil nisi bonum;" on the contrary, he should apply to it the lines written on a tombstone,

"Lie still if you are wise,
"You're damn'd if you rise."

But this was not all: he had a question to ask the solicitor-general, and it arose out of this clause, although it was to be negatived. The reasons assigned by the gentlemen who brought in the bill for negativing this clause, made his question necessary. They had insinuated, that the clause was not strictly necessary to the purpose which it tended to support, as his majesty by proclamation could order what was necessary for the safety of the state. A proclamation had issued to that effect, forbidding, for a time, subjects of this country from returning into it, under certain restrictions. He wished to know, whether the king was empowered by law to issue any proclamation, forbidding the return into this country of any one of the subjects of it not convicted of a crime? Had the king of England the power, by law, to hinder the return of such a man to his native country? The question he thought necessary to be determined before the clause was negatived, because they should take care upon that negative not to give an oblique sanction to a principle of tyranny, much more dangerous even than the effect could be of passing the clause itself He had heard that a proclamation to this effect had passed with regard to certain persons lately arrived from France at Dover, but he had not read it; he wished to know whether the law officer of the crown would say, that such a proclamation was warranted by the law of England?

The *Solicitor General* said, that with respect to the legal point to which the hon. gentleman had alluded, certainly his majesty had a right to make a regulation upon the general policy of this country.

Mr. *Fox* reprobated these expressions,

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and proceeded to refute the principles which they appeared to him to support. He said, that he had, ever since he thought upon the subject, wholly and entirely misunderstood the law, if the king had the power, which the answer of the hon. and learned gentleman insinuated. If the king had the right of preventing any person from returning to this country, under the specious mask of regulating its general policy, he had in fact the power of expelling from his native land for ever any person he might think proper. He knew, in fact, the king had no such power; and therefore it was that he rose to make these observations, and with them to defy any man in that House, or any man in this world, to prove, that the king of England had by law a right to say to any subject not convicted of an offence against the law—"You shall not return to Great Britain without a passport from me." If the king had ever, if the king should ever, issue a proclamation to that effect, he would say and maintain, without the least fear of the colour of refutation by argument, that such a proclamation was and would be irregular, illegal, and highly unconstitutional. He believed, that if the transaction alluded to, and which happened at Dover, should ever be fairly canvassed, it would be found to be a shameful violation of the law of this country, and a revival of the principle of the clause which had just been read,—a principle which would, to a certain degree, attach shame, scandal, and disgrace on that House, for having once given to it the colour of a sanction, by giving leave to bring in a bill which contained a clause to favour it. "The king had a right to regulate upon points of general policy in this country." Had he, indeed! Had he a right to say to an Englishman, "You shall not return to England without my passport?" If he had, then it was high time to examine into the expediency of suffering such a prerogative to continue—high time to inquire whether some means could not be devised to limit the extent, and regulate the exercise of that prerogative. But, said Mr. Fox, I am sure he has not, and never ought to have, and never will have, unless this House shall scandalously neglect its duty; but I wish the solicitor-general would have the goodness to explain what he meant by those ambiguous words which he gave in answer to so very plain a question, and that he would not leave us under so just a terror for the fate of the constitution of our country.

Mr. *Pitt* did not think that the subject before the committee warranted the attack which the right hon. gentleman had made upon the proclamation. The question before the committee was, whether the clause should be agreed to or negatived? Upon which there was no difference of opinion, and upon which, therefore, in point of regularity there ought to have been no debate. He justified the answer of the solicitor-general, and concluded with explaining the nature of the proclamation.

Mr. *Fox* again maintained, that the words of the solicitor-general tended in effect to convey to the House the most odious and detestable principle, and such as he was sure did not belong to the constitution of this country. He would say they were material words, for the words of any high law authority in that House were always important, and would be dangerous, if not refuted when they were wrong, because they would form, as it were, a sort of precedent by acquiescence; they were words at which he was justly alarmed, when he compared them with the plain question to which they were an answer. "I say," said Mr. Fox, "I am justly alarmed when I hear such sentiments from such a quarter, for it is not his own opinion merely that the learned gentleman is speaking. I say that I am justly alarmed for the liberties of the country, when such exploded doctrines upon the king's prerogatives are attempted to be revived; doctrines, to explode which, the best treasure of this country was expended, and the purest blood shed. The observations of the learned gentleman upon the king's prerogative is worse than the clause which he has given up. At these attempts it is high time to be alarmed."

The clause was negatived.

April 8. The report of the bill was brought up. The House having gone through all the amendments made in the bill by the committee,

Mr. *Adam* said, that by the law of high treason in general, every person accused of treason is entitled to be heard by counsel on questions of fact as well as of law; to have a copy of the indictment, and a list of the witnesses ten days before trial; by the same law no person accused can be convicted unless the overt act of treason be proved by two witnesses. But parlia-

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ment having made the counterfeiting of the king's coin, the great seal, &c. high treason, had made a distinction between treasons of that description, and treasons against the king's life, or making war upon him, or adhering to his enemies: for a person accused of counterfeiting the coin, for instance, though charged with high treason, is not entitled to a copy of the indictment or to a list of the witnesses, nor is it necessary that the fact should be proved by two witnesses; nor is counsel allowed to speak in behalf of the prisoner, except a question of law should arise. The ground for this distinction was, that the latter kind of treasons did not work a corruption of blood, or a forfeiture of the estate, of the party convicted; and as the punishment was the less severe, so the aids allowed to the accused for making his defence were also less. Mr. Adam laboured to show, that the distinction did not apply to the acts which were to be made treason by the present bill; for they were such as might be considered as coming within that branch of the statute of the 25th Edw. 3d relative to "adhering to the king's enemies," and consequently a person brought to trial upon the present bill, was, in point of reason, entitled to all the aids which were allowed by law to persons making their defence against a charge of high treason. But these aids, it seemed, were to be denied under the present bill, for this reason, that it was not to work corruption of blood, or forfeiture of estate; but the reason did not appear to him to be a sound one, for the House must know, that by the 7th of queen Anne it was enacted, that corruption of blood and forfeiture of estate should no longer be the consequence of a conviction of high treason, after the death of the then Pretender to the crown. By the 17th Geo. 2d, the period when corruption of blood and forfeiture should no longer attach upon treason, was removed to a more distant time, and was to take place at the death of the two sons of that Pretender. One of these, it was well known, had died a few years ago; the other, who was the cardinal of York, was an aged person, and at his death, which could not, in the course of nature, be very distant, all corruption of blood and forfeiture for high treason were by law to cease in England. And yet, after that period, a person accused of high treason would be still entitled to all the aids which he had already mentioned; so that it could not be said that those aids were allowed by law, merely because the corruption and forfeiture of estate were consequences of a conviction on a charge of high treason.—Mr. Adam argued to show that there was no analogy between the act of counterfeiting the king's coin, and, for instance, remitting money to France during the present war; it was true, that after the passing of this bill, these two acts would in law amount to high treason, yet the latter alone could be said to partake of the nature of treason, as it argued an adhering to the king's enemies; and the former was allowed by all able law authorities to be rather a species of fraud, and what was called the *crimen falsi*, than high treason; and to have been called treason, only because it was an act in which the public had a concern. As, therefore, these treasons differed widely in their nature, a distinction, he contended, might well be expected in the aids to be allowed to persons indicted, as to the means of their defence. On these grounds it was, that he moved for leave to bring up a clause, the object of which was, to extend to persons who should be tried under this act, the indulgence allowed by the 7th Will. 3d and 7th Anne, to persons accused of high treason, under the 25th of Edward 3d.

The *Attorney General* opposed the admission of the clause. He said it went to open a very wide discussion, indeed, namely, whether all those aids which the learned gentleman had enumerated, as granted by law to persons accused of high treason, should also be allowed in cases of felony; for though counterfeiting the king's coin, for instance, was in name high treason, it was, as to its effects upon the blood and property of the convict, no more than felony. He said, he had not expected that, when the present bill reduced the penalty of high treason, with respect to persons offending against it, to that which was enacted merely against felons, a charge would be brought, that it subjected them to hardships from which they ought to be relieved. If the proposed relief was proper in this case, he saw no reason why it ought not to be extended also to those who should hereafter be accused of felony.

Mr. *Fox* expressed his surprise that the learned gentleman should have confounded two things, which in their nature were widely different. A copy of the indictment, a list of the witnesses, and the aid of counsel in matters of fact as well as law,

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were allowed to persons accused of high treason, but not to persons accused of felony, the reason of the difference was obvious; prosecutions for felonies were usually brought by private individuals, who could not be supposed to have any extraordinary influence with either judge or jury; but prosecutions for high treason were always brought by the crown; the aids, therefore, which the law allowed to a person accused of treason, were so many shields given to him to defend himself, and prevent him from being overborne by the weight, or influence, or passions of the chief magistrate or his ministers. These shields must, of course, on this principle, be as necessary in a prosecution on the present bill, as in one on the 25th Edw. 3d, as in both cases it would be carried only by the public accuser at the command of the crown. It was allowed that at the death of cardinal York all treasons would be precisely on a level, as far as they affected the inheritable quality of the blood, and the property of the person convicted; what a miserable thing, then, must it be to say, that in a prosecution for an act done against the present bill, a man should be refused a copy of his indictment, and the other aids allowed by law in cases of high treason, merely because the aged cardinal had not yet paid the debt of nature! He was glad, he said, that the penalty under this bill was not to be greater than that to which persons were subjected who were convicted of counterfeiting the great seal; but, on the other hand, he feared that this seeming lenity was not what it appeared to be, the child of mercy; he apprehended that its object was, to facilitate the conviction of the accused, by taking from him the means of defence, which he might claim as his right, if the bill left the enumerated acts within the statute of the 25th Edw. 3d. These acts might be considered as proofs of an adherence to the king's enemies, and consequently came within the species of treason on which corruption of blood attached; but, by classing them under the head of treasons which did not operate a corruption of blood, the framers of the bill had contrived to take from the accused the means of defence, under the appearance of lenity. Of all the characters of cruelty, he considered that as the most odious which assumed the garb of mercy; such was the case here; under the pretence of mercy to the accused, in not charging him with corruption of blood, he was to be deprived of the means of making his defence. That he might not stand a chance in the contest, his shield was to be taken from him. The list of the jury, to give him the benefit of the challenge—the list of witnesses, to enable him to detect conspiracies and to prevent perjury—the copy of the charge ten days before the trial, to enable him to prepare himself for the awful day—the assistance of a learned gentleman to speak for an unlearned man—all the arms and means of protection with which the humanity of the law of England had fortified an individual, when accused by the crown, were to be taken away. Harshness and severity were to be substituted for tenderness and compassion; and then he was to be insulted by being told he was spared the corruption of blood! But, really, it seemed to him as if some gentlemen thought there ought to be a law for the facility of conviction of high treason; and if so, why did they not speak out boldly, and alter the preamble of the bill, and word it to this effect—"Whereas by allowing prisoners lists of evidence and juries, copies of indictments, and other means of defence, it has been difficult to convict them, be it therefore enacted, &c.' He should, on the third reading of the bill, have another opportunity of opposing its principle, a principle which would appear somewhat less tyrannical if the proposed clause was admitted, but which must be still more odious if it was rejected.

Mr. *Pitt* said, that, harsh as was the epithet which the right hon. gentleman had bestowed upon the bill, it would not make a very deep impression upon those who would recollect that the right hon. gentleman had admitted that some of the acts enumerated in the bill might be said to come within that branch of high treason described by the 25th Edw. 3d, under the head of adhering to the king's enemies. The principle of the present bill went to punish such persons as should adhere to his majesty's enemies, and therefore could not, on that head, be called tyrannical. The reason why a copy of the indictment was allowed in cases of high treason, and not in those of felony, was this, that without it the person accused of treason could not possibly know how to defend himself; for the warrant of commitment stated no more than that the party had imagined the king's death, or had adhered to his enemies, or had levied war upon

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him; it was in the indictment only that the overt act was set forth, which was adduced as a proof of the treasonable intention of the person accused: but in cases of felony, the specific act or crime was set forth in the warrant of commitment; and therefore the party had not the same occasion for a copy of the indictment. As to the aid of counsel, it was not denied in prosecutions even for felony; for as often as a question of law arose, the prisoner was allowed to be heard upon it by his counsel. Were counsel to be allowed to speak on matters of fact in trials of felony, and were copies of indictments granted ten days before trial, it would be absolutely impracticable to execute the criminal law of the country. With respect to the granting the accused a list of the witnesses in all cases, it would be of little use to him, as a list of such a cloud of witnesses might be sent to him, as would render it impossible for him, with all the assiduity of his friends, to inquire into their characters in the space of ten days.

Mr. *Fox* said, he was well aware that in cases of felony, the accused had a right to be heard by his counsel on questions of law; but it was on such questions only that the advice of counsel might be necessary; and therefore the right hon gentleman had misunderstood him if he fancied he did not contend for the extension of the indulgence to every point which might enable a counsel to defend his client with effect. As to what the right hon. gentleman had said about furnishing the accused with a list of a cloud of witnesses, he was absolutely astonished that a minister of the crown should suggest even the possibility of a public accuser swelling the number of witnesses, for no other purpose than that of baffling the law, by putting it out of the power of the prisoner to avail himself of the advantage which it was the intention of the legislature that he should enjoy in its fullest extent.

The House at last divided on Mr. Adam's motion: Yeas, 32; Noes, 110.

April 9. The bill was read a third time. On the question that the bill do pass,

Mr. *Curwen* said, that nothing had occurred in the progress of the bill, which could induce him to alter the opinion he had at first formed, that its principles were contrary to the just and true principles both of criminal law and of sound policy. He could see no existing necessity for any extension of the criminal law. He proceeded to state some of his objections to the several clauses in their order, and adverted particularly to that part of the first clause which makes intention criminal, although it should not be followed up by any act—to the monstrous partiality exhibited in the same clause, by which a man might enter into the most extensive contract for sending woollen cloth to France but if he should happen to wrap up along with any parcel of it only a dozen pair of shoes, he would be liable to be tried and executed for treason—and the danger of depriving persons tried for treasons under this act of the benefits given by the acts of king William and queen Anne. He conceived the bill to be totally unnecessary; and only intended to continue the alarm which had been raised.

Mr. *Courtenay* reprobated the bill in the most severe terms, and said, that the grossest deception had been made use of with respect to the clothiers in this country, who were placed in a most dangerous situation, if, by sending woollen cloth to France, they should be guilty of treason under the 25th Edw. 3d.

Mr. *Fox* said, that as in every stage of this bill he had entered his protest against it, he should conceive himself wanting in his duty to himself and to his constituents, if he now suffered it to pass in silence. He therefore was ready to declare, that in the course of his parliamentary life he had never seen a bill so unfounded in policy, and which was contrived so effectually to violate every principle of justice, humanity, and the constitution, as the one in question. The right hon. the chancellor of the exchequer had, in defending it, confounded two things, in their nature the most distinct, the principle and the pretext of the bill. He had said, that the principle must be unobjectionable, because it was to prevent supplies of military stores and other necessaries from being carried to the enemy: but this was the pretext for bringing in the bill, not the principle on which it was founded. The bill was much better calculated for entrapping individuals, than for guarding them against the perils of high treason.

Mr. Fox said, it would be discovered that they who opposed the bill were, in truth, the sole persons who endeavoured to thwart the designs of our adversaries, while its supporters were giving every ad-

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vantage to our foreign foes. But on the grounds of its impolicy he did not now mean to argue. He recurred to the principles of justice and humanity, which were superior to all policy, and on which alone true policy could rest. In the introduction of this bill, it had been said, that part of it was declaratory of the old law, and part of it contained new enactments. But, we were now told, that all of it was both declaratory and new; and by this sophistical quibbling, the understanding was confounded, and gentlemen were at a loss what opinion to form, or upon what ground to proceed.

The first clause was merely declaratory. It did not abrogate the statute of the 25th Edward 3d. It did not make that not to be treason, which before was treason, under pretence of defining the law of treason; it served as a snare to entrap the unwary and inconsiderate. It would have been more proper, more candid, and more just, openly and specifically to have stated, whether sending cloth to France was or was not treason. This might easily have been done by an express clause for the purpose; whereas, according to the present existing law, if the bill should pass, these clothiers would still be liable to the penalties of the old law, without the possibility of their knowing whether they were guilty or not, and at the same time rendered obnoxious to a severer punishment than that which the present bill inflicted. He would not repeat the arguments he had formerly adduced against the first clause of the bill. By the wording of it, however, he could not help again observing, that the mere agreement to commit an offence, and the offence itself were put upon the same footing, and liable to the same consequences. Inchoate crimes were classed in the same degree of enormity with those which were completed; and, by this confusion, every rational doctrine of criminal jurisprudence destroyed. Although a verbal agreement for a lease of above three years, and for a sale of goods above the value of ten pounds, was declared absolutely void by the statute of the 29th Charles 2d, because of the ease with which perjury in these cases might be committed, yet this bill wantonly exposed the life of an individual in cases where perjury might be perpetrated with equal facility. The former wise statute would not permit the fortune of a man to be injured by such means; the present bloody bill exposed his life to destruction in similar circumstances. This was, indeed, a sanguinary part of the clause; and late as the stage of this bill was, he trusted the House would still recede from it, covered with shame and confusion for having entertained it so long.

There was another clause in it, which was also sanguinary, but which was, if possible, more absurd than sanguinary; it was that which made it death in an Englishman—to do what? To return to his native country! An Englishman might go to Ireland, and there agree, without guilt, for the purchase of an estate in France; he might go to Hamburgh, and there make a like agreement, and that would be only an inchoate crime: he might pay the purchase money, and by his attorney take possession of the estate; all this would not amount to high treason; but should he after this return to his native land, this return would consummate his guilt, and bring upon him the penalties of treason. Some gentlemen might think such a clause as this without a precedent; but in fact, it was not; it was stolen from the National Convention, where the most arbitrary laws were enacted for ascertaining who should be deemed emigrants, and which afterwards devoted them to death, if they should presume ever to return to their native country.

In the discussion which had taken place last night, it had been asserted, that no act was tyrannical which tended to bring the guilty to a certain and speedy conviction; but, was not the acquittal of innocence, as well as the punishment of guilt, an essential object in every humane code of criminal law? Why, therefore, were persons, who were indicted under this act, to be deprived of the benefits of the statutes of William and Anne? By these acts, a copy of the indictment was to be granted to the prisoner; counsel were permitted to plead for him on questions of fact, as well as questions of law, and what was, perhaps, of more importance, were allowed free communication with him at all times. To these important privileges were superadded that of having a list of the jury who were to try the prisoners, and of the witnesses who were to be adduced against him. A reason had indeed been assigned by the right hon. the chancellor of the exchequer, for withholding this privilege in the present instance, which he confessed he was sorry, as well as ashamed, to hear assigned.

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The House had been told, that this privilege was rendered perfectly nugatory, because the crown could give in such a numerous list of witnesses that the prisoner could not possibly inquire into their situation, or have an opportunity of knowing who were really to be produced against him. If such an artifice was ever made use of, either by the right hon. gentleman, or the other servants of the crown, he trusted there was still virtue enough in the House, and spirit enough in the nation, to call them to a severe account for such notorious misconduct. But, amidst all the severe enactments with which this bill was filled, they were still said to be null, because the operation of the laws of forfeiture was prevented from attaching upon the persons who might offend within this bill. He lamented, in pathetic terms, that because this bill was not to work corruption of blood, a person accused of a breach of it was to be deprived of the aids and shields which were allowed by the 7th of William 3d. to persons accused of high treason; the distinction of treasons working and not working corruption of blood, was to cease at the death of cardinal York, a period which could not now be considered as very remote: from all that he had ever heard of that person, who was by every one represented as a very meritorious individual, he felt a much greater disposition to wish him a long life, than to wish for his death; and yet a man might be tempted to wish for the latter, when he found a legislature so absurd as to continue a cruel distinction between different species of high treason, and refuse to individuals accused of one the indulgencies which it allowed when they were accused of another, and when there existed no other pretence for the distinction, than an absurd apprehension of an invasion from an aged cardinal to revive the claims of the house of Stuart. If any person unacquainted with our laws, our manners, and our customs, should inquire into the nature of a punishment which was said to be lenient, he would certainly conceive it to be imprisonment or pillory almost; but if he was informed that death, the ultimate right of civil society on the individual, was still inflicted by this bill, with a less probable chance of escaping than under the former laws of the country, and with the trifling exemption from forfeiture and corruption of blood, he might, perhaps, be led to conclude, that this tyranny was of all others the most odious and detestable—a tyranny which wounded under the garb of mercy.

He could not help again taking notice of the severity of the bill, in submitting all persons to be tried, without the assistance of a gentleman of the learned profession to address the jury for them. He must say, that allowing counsel to speak for them appeared to him an important point. It had, indeed, been said, that this bill was founded upon the general principle of the laws of treason, and on the 25th of Edw. 3d. That was only a pretext as he had said before. Was the fact so? Not the least like it. Was it no advantage to a poor man in prison, accused of high treason, to have a counsel to visit and attend him, and to assist him in making out his defence? Was it of no advantage to a person thus accused, to have a list of his jury before his trial for perusal? Was it of no advantage to a person so accused to have a copy of his indictment several days previous to his being called upon to appear upon his trial? Was it no advantage for such a person to have a list of the witnesses to be examined against him? Most unquestionably it was. Under the bill now before the House, one witness was sufficient; no evidence of innocence of intention was admissible; no means of defence provided; no guards for innocence secured; no power of inquiry given; no opportunity of knowing the witnesses afforded.

Upon the point of the list of witnesses, he sincerely hoped the chancellor of the exchequer had repented of what he had said, in answer to that observation yesterday. He was the minister of the crown; it must be by his advice that the law officer of the crown was, in a great measure, to conduct prosecutions for treasons; and that such a person, in such a situation, should say that a trick might be played on the prisoner by sending him a list of witnesses so numerous that he should not have time to examine it, by which the purpose of an act of parliament might be defeated, was a declaration of a most alarming nature to the people of this country. All he could say was, he hoped no such infamous tricks would be attempted; but, if there was such an attorney-general in this country, he hoped there was still spirit enough in the people to bring him to a proper account for it. If there was such a minister belonging to the crown, he hoped and trusted there

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was spirit enough in that House to bring him to account for it. He hoped the House would not be reconciled to the remainder of the bill, because several of its harsh, cruel, and hypocritical lenient clauses were omitted. On the contrary, emboldened by the success which had attended their endeavours, let the House go one step further, and reject the bill altogether. Much more judicious, manly, and honourable would it have been, if the promoters of this bill had pursued that course; but possessing minds unacquainted with, or hostile to the constitution, they had thought it more proper to cherish harsh laws, though they had awkwardly endeavoured to conceal their real sentiments, by expunging clauses introduced by themselves when the statute would not bear them out, and proceeded on the supposition of criminality where it could lend them any assistance. The House would likewise consider the manner in which the bill had been hurried through the House. They were called upon to meet in Easter-week, at a time when many gentlemen were necessarily absent, particularly one honourable and learned friend (Mr. Erskine), from whose knowledge and eloquence so much advantage had been derived in the commencement of this business, and who would have been soon enabled to have resumed his seat in the House. The most gross blunders in respect to the reciprocal legislations of England and Ireland had been committed; and to facilitate their projects, men had been contented to sacrifice the natural desire of reputation, arising from their knowledge of penal legislation and the constitution of their country. By the exertions of the gentlemen with whom he acted, the bill had been rendered in some respects less exceptionable; and by its total rejection, he hoped that the mildness, philanthropy, and liberality for which the eighteenth century had been distinguished, would still remain its characteristics. Though from his not being in a committee, he had no opportunity of replying to any misrepresentation of his arguments, yet he would console himself with reflecting, that he had discharged his duty to his country in giving the present bill every opposition in his power.

Mr. *Burke* rose. He said that he was not surprised the right hon. gentleman who spoke last should predict a reply to what he had said, as he must think too well of the House, as well as of himself, to suppose that he should remain unanswered. What sort of answer he would receive from others he could not take upon him to say; but for himself he would assert, that though his answer might be the weakest, it should certainly be the fairest. Infirmity might call for pity; but his candour, he trusted, would claim approbation. The right hon. gentleman had confined his objections to two points; the one dilatory, the other peremptory. And, first, as to the dilatory, or the absence of a certain learned gentleman (Mr. Erskine), he regretted, and the House must regret, that the conflicting duties of that learned gentleman to that House on the one hand, and his clients on the other, should have prevented him from affording assistance so very material as his was to the present discussion. A loss of such magnitude, he said, demanded something by way of comfort, and that he would endeavour to afford them. It must then, in the first place, comfort the House and the right hon. gentleman, to reflect that whatever the discussion lost by the learned gentleman's absence, his clients gained, and he himself was proportionably indemnified in his profits. Another comfort he offered them was, that though the learned gentleman had been so churlish as not to communicate his rich ideas to his right hon. friend, that gentleman did not stand much in need of his assistance, either in substantial eloquence, splendid declamation, virulence, or acrimony; and while the right hon. gentleman was present, he thought the House would hardly be inconsolable for the loss of his absent friend—though Atlas was gone, Hercules remained to lend his shoulders to the falling globe of the constitution. Mr. Burke ridiculed Mr. Fox's lamentation for the absence of Mr. Erskine. If however, he said, the House was to defer its business till the learned absentee had discharged his duty to all his clients, it would find itself in the predicament of the peasant of old—"Expectat rusticus dum defluat amnis." The House, in that case, must wait long enough, and, in doing so, gratify the right hon. gentleman, who, like Fabius, wished to fight all his adversaries by delay—a particular mode of generalship that never was carried to such a pitch in ancient or modern times as by the right hon. gentleman. As to the peremptory objection, he admitted, that if there was a subject more serious in its nature than any other for the contemplation

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of parliament, it was that of meddling with the laws at all. When the House touched jurisprudence, it should do it with a tender hand; the criminal part still more tenderly; and the law of treason most of all; for they were those in which power might be the most effectually employed to hurt persons obnoxious to it; it should, therefore, be watched most carefully: when the constitution was concerned, there could not be too much caution

There were, Mr. Burke said, but two points on which the bill could be considered; one, whether it was conformable to law; the other, whether it was consistent with policy; and in considering the matter, the House must throughout take along with them, as the grounds of their reasoning and the very foundation of the bill, that we were at war with France upon its present bottom and system as it related to the other powers of Europe. The charges of being unconstitutional and hostile to liberty had been levelled at the bill. These, he said, seemed to be the common-place expressions of gentlemen on all occasions: they were used too frequently; but, in his opinion, they should not be used so lightly. The whole of the right hon. gentleman's speech on the present occasion resembled more a prize declamation at a university than the substantial arguments of a statesman; but, coming from a person of abilities so truly respectable—and no man respected the right hon. gentleman's talents more than he did—they required attention. Our constitution, Mr. Burke said, was a provident system, formed of several bodies, for securing the rights, the liberties, the persons and the properties of the people. The constitution was composed of the King, Lords, and Commons; and in the judicial power, the King was represented by the judges, the Lords by the writ of error, and the Commons of England by the juries. Now let us, said he, get out of the torrent of declamation, and see what part of this constitution is touched or affected by the present bill.

Is the King's prerogative touched? Are the Lords touched by it in their legislative or judicial capacity? Are the Commons touched by it? Are the judges or juries touched by it? No—none of these: the constitution remains sacred and inviolate: and the whole torrent of declamation on the subject, *ad captandum vulgus*, melts into air.

The question, then, was, did the bill touch those things for the protection of which the constitution existed? Was it asked, whether it infringed on liberty? He would say, yes, it did. It was a law; and laws always infringed in some respect on natural liberty, as commanding something to be done, or something to be avoided. Every law that was made took away something from the portion of liberty. It was, then, to be considered, whether the present measure was such as took away more than was necessary of that liberty? If so, he thought it ought not to pass. And next, whether it took away such a liberty as, if it remained, could do no mischief?

In a constitutional view, all acts done by that House were to be considered as either peace or war acts. There must be a peace police, and a war police; the latter of which was to secure the blessings enjoyed in the former, and each different from the other, the necessities of war calling for an increase of the prerogative of the crown, in progressive proportion to the difficulties that occurred in it; and this made a part of the body of the common law. If this, then, was the case, the first thing to be considered was, whether the general matter of the bill harmonized with the general principles of the constitution, and was justified by the example of our ancestors? Convenience, he said, was the ground of all law; and hence the present bill was consistent with the general principles of jurisprudence. The juridical power of punishing as traitors those who aided and comforted the king's enemies, could be traced to Edward 3d, and, if necessary, even farther. Aiding in the strict legal sense of the word, was assisting and comforting, was making stronger; and the present act went exactly to that object, following the principles of the law of the 25th of Edward 3d and only drew out into a detail of specific acts the generality of that statute. And though the provision of that law went in general terms, to make aiding and comforting the king's enemies treason, yet it directed the king, by the advice of his judges, to specify those particular things which were to be considered as overt acts; and he hoped it would be considered as no disparagement of the gentlemen of the present day to say, that those of that time were as competent to judge. Lord Coke said, that the law was as well understood then as it ever was since; and though the fashionable jargon now was, that those of the present day had got all the wisdom in the world to themselves, there were as great

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men then as any now in law and church and state. The legislators who made the act of Edward 3d, he said, gave that direction, as they did not wish to leave to the subtlety of judges, or the simplicity of juries, so very material a point. In the present case, the bill followed the spirit, but not the letter of that of Edward 3d, as well as those of Charles 2d, king William, and queen Anne; all of which did the same thing that is done in this: so that the House might consider themselves as not acting worse than their ancestors.

Here Mr. Burke read an act of queen Anne, containing provisions similar to those before the House. This he said, he had read for the purpose of showing that our ancestors had entered into an enumeration of the specific things that constituted the offences, not as overt acts, but as acts treasonable in themselves, following exactly that of king William, all of which went on the principle, that it was not safe for the subject to have the construction of overt acts left to the caprice of judges; and the last statute, namely, that of queen Anne, was not only prospective, but retrospective; as it declared those who had been abroad before it, and returned without licence, traitors—and, prospective, as it declared those who transported, or went on board a ship with intent to transport themselves to France, guilty of high treason. So that this was not the first attempt to make an intent high treason. That statute had an energy and a harshness in it far greater than the present, although it was made in the very session that the queen received an account of the glorious victory of Blenheim, although the Houses of Parliament were full of whigs, and although there was not a single division in the Commons on it, from the 12th of January to the 8th of March, the time it was going through the House. Nay, it was carried triumphantly through, though the Commons were as wise and virtuous then as at any time.

Here Mr. Burke quoted a sentence from the *Lex Julia Majestatis*, in order to show that all nations agreed in the principle, that he who aided the enemy was guilty of high treason. But gentlemen had asked, was a bare intent to commit an act sufficient ground for punishment? To this he would answer, Yes! the law pronounced it. Not, indeed, that intent which lay concealed in the bosom, but that which was conceived with a resolution to execute it; not the cogitation, but the determination. And for this he gave the authority of Serjeant Hawkins, who says, that by law an intent to commit a felony is a felony itself, as a man shooting at another with intention to kill him: and he put the question, whether, if there were bravoes in this country, as there were in others, the House would hesitate to make their laying a plan to kill a man felony?

As to the word "agree," to which so many objections had been made, Mr. Burke answered with great force of argument, that an agreement implied an intention of two people; it was, in fact, a contract—not a *nudum pactum*, but such as a man might recover on at law. As to the argument of the right hon. gentleman (Mr. Fox), from the statute of frauds and perjuries, that a sum above ten pounds cannot be recovered under a verbal agreement, that right hon. gentleman, he said, was acquainted with the laws well enough to know, that the criminal law punished an offence on a sum far below that on which a civil action could be maintained; for instance, if a man put a twopenny stamp upon paper, it was felony. In short, the smallest pecuniary frauds were by the law highly criminal—and for this plain reason, that if, in criminal cases, a loose was given in small matters, it would be impossible to know where the mischief would end: so that from criminal and civil law it was impossible to argue *à minore ad majorum* or *vice versa*. When gentlemen objected to the provisions of the bill on the score of possible perjury, they should reflect, that it was the condition of human law and human nature to be ruled by the oaths of men in trials for their life and property, there being no other means to be resorted to. That objection, therefore, was at an end: so that the bill introduced no new matter, no anomaly whatsoever; and if it differed from the statute of Anne in any thing, it was in being infinitely more lenient.

The next matter for the consideration of the House was, whether there were any new occasions that demanded this measure? And if there were, whether they came within the meaning of the words, aiding and comforting? For the laws, he said, were bending to occasions while they followed principles, as the rays of light acting under a general law, are refracted by a particular modification of glass through which they would, under the same laws, otherwise pass in a direct line. What was the particular occa-

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sion that governed the present case? France had endeavoured under the specious pretext of an enlarged benevolence, to sow the seeds of enmity among nations, and destroy all local attachments, calling them narrow and illiberal—thereby to dissever the people from their governors. Let any one read the proceedings of that mother of mischief, the Revolution Society, and be convinced. In consequence of this, he said, the House was called upon to give every fair advantage and every pa tal advice to the country, and preserve that moral relation, the destruction of which was the great aim of its enemies.

As to the injury commerce might be supposed to receive, he would say a few words. England was a commercial nation—so was every other, as far as it could. But if, by commercial nation, it was implied that commerce was her ultimate, her only end, he would deny it; her commerce was a subservient instrument to her greater interests, her security, her honour and her religion. If the commercial spirit tended to break those, he insisted that it should be lowered. Gentlemen had said, that if we refused to supply the French, Holland would; and elucidated their argument by an old observation, that if the devil was carrying a Dutchman to hell, he would contract with him to supply the coals. To this he could only say, that our supplying the French would be exactly a parallel case, and full as despicable; and he would answer for the patriotic spirit of the British merchants, that they would willingly dispense with the profits of that trade for the benefit of their country. As to the insuring of our enemy's ships, he objected to it, chiefly on account of the moral effect it must have on the minds of the people. In a state of warfare, it must be the wish of every good mind to disarm the enemy rather by despoiling than killing them, as well from motives of humanity as personal interest. When, therefore, a prize was taken, and an English insurer was to pay the loss, exclusive of the increased litigation, it either gave the captor the pain to deplore the loss of a fellow subject, or rendered him callous to the consideration and feelings he should have on such an account, and inspired an habitual delight in the plunder of his fellow citizens, and an indifference to the welfare of his country, perhaps worse. The clause for preventing British subjects purchasing in the funds of France, he observed, and with infinite regret observed, was left out. It was, indeed, he said, *hiatus valde deflendus:* but as it had been abandoned, he would make no farther remarks on it.

On the whole, conceiving, as he did, that it was the duty of the House to concentrate and fortify the country—conceiving that it was their duty to keep their subjects at home, and prevent an adulterous communication with the French—and conceiving that a man was as likely to be a better husband for having two wives, as a better subject for having two countries—he would give the bill his most hearty concurrence. And when the House considered that France could only be enabled to carry on war out of resources drawn from the bowels of Great Britain, it could not but approve of a measure which only went to prevent Englishmen from fighting against their own country, and making contracts to its ruin. "Let us not," said Mr. Burke, "turn our every thing, the love of our country, our honour, our virtue, our religion, and our security, to traffic—and estimate them by the scale of pecuniary or commercial reckoning. The nation that goes to that calculation destroys itself."

Here Mr. Burke drew an animated picture of a contractor dealing with the French, and put into his mouth the following expressions: "Should our sovereign, impelled by parental feelings for his people, hazard his august person, and take the field against you, behold, here is powder of the first quality, and here are bullets that shall do his business. I do not cheat you; believe me, they are good. Or should his children, stimulated by an hereditary thirst for glory, take the field, their avarice shall defeat their courage; those bullets and this bayonet shall go to their hearts, and Great Britain and her commerce be the gainer." He then turned to the subscription set on foot for a provision for the widows of men killed in battle, pronounced a warm eulogium on the subscribers, and said, "But then comes Mr. Contractor, and tells them, if I don't supply, you have no occasion to subscribe—and while they find charity, his avarice finds objects for it." Mr. Burke declared, that all he desired was, that England would be true to herself, and not carry on an adulterous intercourse with the prostitute outcasts of mankind.

The question being put that the bill do pass, the House divided:

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Tellers.

YEAS, { Mr. Edward James Elliot / Mr. John Smyth - - } 154

NOES, { Mr. Grey - - - - / Mr. Whitbread - - } 153

So it was resolved in the affirmative.

Debate in the Lords on the Insolvent Debtors Bill.] March 27. On the order of the day for the second reading of the bill for amending the law of imprisonment on mesne process; for better regulating the law and practice of bail; and for the relief of unfortunate, and the punishment of Fraudulent Insolvent Debtors,

Lord *Rawdon* said, that the bill was grounded on the great principles of justice and humanity, and was equally calculated for the furtherance of both. It made no outrageous innovation on the laws of the land. It respected established customs, and did not infringe them, but for the attaining the sacred ends of justice. While the bill, by its operation, relieved the indigent and unfortunate, it guarded, with vigilant anxiety, the rights of the creditor, and was intent upon rendering justice to those to whom justice was due. It was a shield of protection to the wretched, and a rod of chastisement to the fraudulent. The very principle of the law of imprisonment he deemed a principle of rigour and absurdity. Rigorous, because it exacted from the dungeons of distress and the cells of inactivity, to which it doomed the victims of its operation, a something from those very persons, which, when free and undisturbed, and in the exercise of all faculties, they could perform, and who were rendered incapable of performing it from the very obstacles thrown in their way by those who exacted that performance. It was absurd, because it was ineffectual to its avowed purpose; for it was calculated to defeat, not to attain its object. If the creditor is guilty of a fraud, punish him as a fraudulent agent; if not guilty of a fraud, do not punish insolvency as a crime, which should rather be commiserated as a misfortune. To punish insolvency as criminal, and to doom fraud to the same punishment as mere insolvency, is to confound all moral distinctions. From the present system also, the creditor was frequently induced to pursue a plan of rigour in order to procure, from the feelings of humanity and the effusions of friendship, what he could neither obtain from the stern dictates of justice, nor the peremptory mandates of law. If the insolvency, and even the honesty of the debtor were acknowledged, yet his friends were looked to as a source of payment; and, to quote the words of a late respectable judge, (carl Mansfield), "The feelings of the friend were often tortured to administer to the resentment or interest of the creditor." His lordship then went into an examination of the law as it now exists between debtor and creditor. In the first stage of the business, the fundamental principle of justice was violated; and the very means which the social institution had adopted to carry that principle into effect were abandoned. What was the great object of the institution of government, but to prevent individuals from being even the judges, far more the avengers of their own wrongs? Yet, by the existing laws of the land, the creditor was enabled to deprive the debtor of his liberty, upon a simple swearing to the debt. He well knew, that in some cases this *ex parte* evidence was not a sufficient ground of imprisonment; for, by the practice of the court of common pleas, the counter affidavit of the debtor was sufficient to enlarge him without bail. It was not so, however, in the court of King's-bench. Whence this difference in the practice of the two courts? The measures of justice should, like itself, be unvarying and immutable; nor could he see any reason why a prisoner, by a process from the one court, should be compelled to give bail, while, when arrested by a process from another, he should be enlarged without giving it. The process, either in one case or the other, did an act of injustice either to the debtor or to the creditor. By the law, as it now stood, a debtor, when arrested, was frequently dragged to gaol for want of sufficient bail, because the bail exacted was always double the debt sworn to. Here was a farther impediment to a debtor's procuring bail. He had then no option but to expose himself to the mortification of a refusal, or to lie in gaol, or to pay the debt, which he felt to be unjust. The latter measure, however hard, the debtor frequently adopted, rather than expose his feelings to mortification, or his person to imprisonment. The society of the Thatched-house Tavern, for the relief of insolvent debtors, was an institution which did honour both to the age, and to the members who composed it. Their reports were founded on strict inquiries,

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and on the most authentic documents. They had acted upon the grand combined principles of justice and benevolence; and what was the result of their inquiries? Why, that the far greater part of persons arrested in this country during the course of the year, were arrested for debts under 20*l.* and that of 2,000 now languishing in the different gaols of the country, 1,300 had wives, and 4000 children; beings helpless and unprotected; exposed to calamity, which neither their guilt had incurred, nor could their feebleness avert; 150 of them, upon an average, were every year doomed to linger in the dungeons of confinement, not because they had not paid their creditors the debts which were due to them, and for which they had been originally arrested, but because they had not money sufficient to pay the fees of office, which were necessary for their enlargement. These men were, for the most part, either tradesmen, artificers, or seamen; men engaged in the humble and laborious, but honest and useful callings of life; who fought the battles of their country in time of war, and who administered to its comforts in peace. The persons confined, of this description, had only, it is true, between two and three pounds to pay; but that sum, though inconsiderable in their lordships opinion, was still great to those, who neither had the sum itself, nor the means of obtaining it. His lordship proceeded to explain the different clauses of the bill. They were to prevent all arrests for less than 20*l.* which was merely a clause of the old law, as it subsisted previous to Geo. 1st. to remedy abuses to which lock-up houses were subject; to prevent excessive bail from being required; and to enact that the prisoner should not be hurried to gaol when in a state of sickness and insanity; and to publish in the Gazette, every month, the names of persons convicted of fraudulent transactions. He quoted the position of lord Bacon, that the end of all laws was, to produce happiness and security to the people; and in conclusion, submitted the bill to their lordships, with a full conviction that their decision would be the decision of humanity and of justice.

The bill was then read a second time.

May 6. The house went into a committee on the bill. The first clause being read, that no person shall be held to special bail where the cause of action shall not amount to 20*l.* or upwards,

Lord *Thurlow* expressed great doubt of the policy of this clause. This subject had been well considered in the reign of George the 1st, and the legislature at that time, after much deliberation, had fixed the limit of arrests at 10*l.* He did not see any reason to extend the limitation to 20*l.* There were too many instances of those who refused to pay their just debts until they were coerced, and if they were proceeded against by a process that did not require bail, they would only abuse the delay of the law, by squandering their property, and defrauding their creditors of their just debts. It was of the utmost consequence in a commercial country like this, in which credit was absolutely necessary, and by which it had been raised to an unexampled degree of opulence, that a reasonable prospect should be held out to those who trusted, that they should in due time obtain their money from those to whom they gave credit. He was fully persuaded that the check of imprisonment was necessary to restrain unprincipled adventurers from incurring debts which they had not the intention nor the means of discharging, and therefore he doubted very much whether the present clause would not be highly injurious to the people of this country.

Lord *Rawdon* said, there might be some unprincipled men upon whom the caption might have a proper effect, but there was an infinitely greater number to whom it was sure ruin. He was assured that not one action in five was settled in the first instance upon the arrest. By the 12 Geo. 1st, frivolous and vexatious arrests were in some degree prevented, by restraining them to sums not less than 10*l.*; and if the state of the country, its increased wealth, and the value of money in the present day, were compared with those of that period, arrests under 20*l.* now, would appear to be as frivolous and vexatious as those under 10*l.* at that time.

The *Lord Chancellor* said, that from the knowledge which he had derived from his situation in a court of law, as well as from the information of the officers of the common pleas, he could assert that eleven-twelfths of the actions brought did not proceed to the length of the declaration being delivered. He therefore recommended that this clause should be postponed, to be farther considered: which lord Rawdon agreed to.

May 31. The bill having gone through

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the committee, the report was this day brought up and agreed to. After counsel had been heard against the bill,

Earl *Stanhope* said, he approved of the great features of the bill, but as he meant to propose some amendments, he thought the best way would be to recommit it.

Lord *Thurlow* was of opinion, that unless imprisonment for debt was unnecessary for the support of credit, it ought to exist; if it was necessary for that purpose, it ought to be a real imprisonment, and they being allowed to be at large within the rules, as was the present practice, was extremely improper. Imprisonment, for debt was either intended for coercing payment to the creditor, or as the punishment of fraud; and he could see no principle, either of justice or expediency, for allowing a debtor, who might appear to have acted fairly with respect to one or two debts, which alone were the subject of investigation, to procure a liberation and discharge from all his other debts, as to which his conduct might have been very different. His lordship said, that although he did not see any consistent principle operating throughout the bill, in its present shape, which could meet his mind upon the subject, yet he did not say that it might not be so modelled as to be some a beneficial measure. In this view he approved of the recommitment.

The *Lord Chancellor* said, he must oppose the recommitment, unless it was intended, in the committee, to make a great and essential change in the bill. He had formerly given his opinion, which he still retained, that the insolvent clauses were unjust in principle and, impracticable in execution; they struck at the whole system of the law of England with respect to debtor and creditor—an attempt which, in his opinion, was highly dangerous, and which did not appear to be justified by any necessity sufficiently urgent. But even in that system (as in many others which were generally good), he was ready to admit that there might be particular inconveniences and individual hardships, to which perhaps some remedy might be safely applied. The security of the creditor, as connected with general credit, was the interest of the debtor no less than of the creditor; but every false expense, every delay, every uncertainty in the recovery of debts, ought to be avoided. In his present view of the case, he was rather inclined to the limiting arrests on mesne process to sums above 20*l*. He thought also that the shortening, abridging, and cutting off expense from proceedings on mesne process was another very attainable object; and a proper regulation as to the treatment of debtors in gaol, he should consider also as very important matter. But he was for proceeding even as to these with great timidity, and only for a short time by way of experiment. Though he approved of several regulations of the bill, he did not feel that he could sufficiently digest them, so as to reconcile his mind to agree to them this session; and he would therefore propose that the bill, when gone through in the committee, should lie over till next session, and that it should be referred to the judges, that they might bring in a bill framed upon their ideas. The noble lord would still be entitled to much credit, and they would receive great assistance from his labours and suggestions.

Lord *Rawdon* reprobated the proposition of the learned lord and said, that nothing would be more disagreeable to him than to recommit the bill for the purpose he had mentioned, if there was no serious intention to go through with it, but only to allow it to sleep over till next session. Their lordships might talk of putting off this bill to another session, as if it were to another week but to those whom it was meant to relieve, the delay was a serious matter indeed; to recommit it, for the purpose of putting it off for another session, was totally unbecoming the dignity of the House, and he must complain loudly that this opposition had not been made sooner, instead of giving that apparent countenance to the measure, which it had received in its progress.

The question for the recommitment of the bill was put and carried. A motion was then made by lord Thurlow, that the bill should be recommitted on that day two months; to which lord Stanhope moved, as an amendment, to leave out the words "two months," for the purpose of inserting "monday next." The House divided on the question, that the words "two months" stand part of the motion. Contents, 10; Not-contents, 5: Majority against the bill, 5.

Debate in the Lords on the Abolition of the Slave Trade.] April 11. The Earl of *Abingdon* rose and said:—Your lordships will not suppose that I am about to enter into the wide and extensive field of argument which the question for the Abolition

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of the Slave Trade has, as a subject of discussion, opened to the view, and brought under the notice and consideration of this House; a field too large for me to range in, too comprehensive for the extent of individual ability, more than enough to occupy the exertions of every head, and to rouse the energies of every heart among us—to occupy the exertions of every head in appeal to wisdom, and to rouse the energies of every heart, as a call upon the characteristic justice of this House. It is not then, in this field that I am now about to enter; neither is it to those tribunals of your lordships wisdom and justice that I am in the act of addressing myself. The stage in which this business is, is ripe for neither; and God forbid it should ever be so; but there is a third tribunal to which I am now to address myself, and that is, in solemn appeal, at this most momentous crisis of public affairs, to the political discretion of this House: nor even here either shall I have occasion to trespass long on the patience of the House; for what this momentous crisis of public affairs is, will need no representation from me to bring to your lordships minds; the facts, in events too terrible even for the admission of thought, being already before our eyes; and the effects springing from the causes that have produced them, but too plainly speaking for themselves. It is, therefore, enough for me to presume, that your lordships are sufficiently aware of that new philosophy, as it is called, which is gone abroad; containing like Pandora's box of old, all the evils and vices that human nature or the world can be inflicted with. Of that philosophy on the principles of which those monsters in human shape, I mean the people of France; and when I say monsters in human shape, let not the charge of a national reflection (speaking as I do, not from my own, but from much better authority than my own) be imputed to me, namely, that of one of their own countrymen (Voltaire), who knew them well, and who says, in describing the nation, that "They are a race of people descended from monkies and from wolves; for when they are not skipping and dancing like monkies, they are ravenous and ferocious as wolves." I say then, your lordships are aware of that new philosophy on the principles of which these monsters in human shape, this savage nation, have declared war, not only against man, but against God himself—principles by which all Europe is already convulsed, and with the direful influence of which the peace, the order, the subordination, the happiness, of the whole habitable globe, is threatened. And yet such is the philosophy, such are the principles, and such the people, that, in this age of novelty and innovation, we are called upon by some to adopt, to fraternize, and to affiliate with.

And now, having said this, if it were to appear to your lordships, that this very proposition for the abolition of the slave trade, not only makes a part in speculation of this new philosophy, but is actually founded on those very principles in practice which I have just mentioned, would it be too much to look for your lordships agreement with me in a motion for postponing the farther consideration of this business to a period, when intermediately mankind may be restored to their senses, and this enthusiastic madness no longer shall remain? We are at war with France, either for the extinction of these principles, or with a view to self preservation, which is the first law of nature, social as well as individual, for the extirpation of the people themselves; for otherwise, what is the result? The result is, that we shall, as of unavoidable necessity, sink into the same abyss of misery with them, and be what they are; for is not their philosophy founded on this? do not their principles lead to this? are not their decrees declaratory to this? is not their object expressly this? and, if success should attend their measures, will not their end be this? And if so, in my contemplation, better were it for us, that we were created toads, to live on the fumes of a dunghill, rather than possessing the feelings and the faculties of men, and of Englishmen too, born to the blessings of a constitution founded on liberty, be made to endure a life that shall pass away with the mortifying suppression of the former, and in the cruel deprivation of the latter.

But I have said, that this proposition for the abolition of the slave trade, is in speculation a part of this new philosophy; and who shall controvert the position? For in the very definition of the terms themselves, as descriptive of the thing, what does the abolition of the slave trade mean more or less in effect, than liberty and equality? what more or less than the rights of man? and what is liberty and equality; and what the rights of man, but the foolish fundamental principles of this new philosophy? But this is not all. It is a proposition that has been adopted,

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of which the proofs of correspondence are not wanting, in concert, or rather let me say more *ad rem*, in fraternity with some of those profligate and abandoned conspirators, the National Convention of France; and is, or has been, carried on through the medium and by the means of subsisting clubs in both countries; which shows not only that the proposition is in itself founded on French principles, that is, on French philosophy; but proves that we too have in this country our Condorcets, our Brissots, our Abbé Gregoires, and our Robespierres. And if this be so, is not this ground enough for your lordships, at least for the present, to rest on your arms?—But I have said, not only that this proposition is founded on this new philosophy in speculation, but that it has, on its very principles, been reduced to practice; and of this neither are the damning proofs deficient: for, look at the state of the colony of St. Domingo, and see what liberty and equality, see what the rights of man, have done there. Look at the 10th of August, and the 2d and 3d of September at Paris, and in comparison with the foul calendar of murders committed at St. Domingo, you will find these days of humanity and compassion. There indeed (at Paris) you will have brought to your view murderers and cannibals enough, it is true; but here (at St. Domingo) you will see rivers of commerce dried up, whilst fountains of human blood are made to issue in their stead; and (as if in the pride of exultation for this philosophic event) hear too, in the milk of his humanity, what one of these murderous philosophers (citizen Robespierre) says upon this very occasion: "Perish," says he, "the colonies, rather than that we should loose one of our principles!" But let us remember, my lords, that we have colonies of our own; and would your lordships be willing, by making the same experiment, to produce the same consequences? And if not, let us have some regard for our consistency. Let us not spill the blood and waste the treasure of this country, in a war with France, to combat principles that we ourselves are giving law to.

Thus much have I thought it necessary to say in address to the political discretion of your lordships; and now I will add a word or two *in argumentum ad suspicionem*, in address to the jealousy of this House. And in so doing, let us see who are the abettors of this proposition for the abolition of the slave trade, and from whence it comes, as a matter of reflection only, and to pause upon. I have read a sermon of Dr. Priestley's upon this very subject, preached to a society of dissenters, and published at their request. What this sermon is, your lordships may suppose. It is, of course, to inculcate these doctrines with all the ability that belongs to that well-known philosopher. But it is to do more; it is to state facts, that, coming from his superintending knowledge and authority, are not to be disregarded. He tells us to whom we are indebted for the agitation and adoption of this question—"To the Quakers," says he, "who were the first to show themselves friends to the rights of humanity, and to dissenters of all denominations;" adding, in the true spirit of levelling, to his levelling flock, this prophetic exhortation to perseverance in the good cause; namely, "that the time is arriving, when the wolf shall lie down with the lamb, as the present state of things," says he, "makes highly probable;"—that is to say, that all being equal, blacks and whites, French and English, wolves and lambs, shall all, "merry companions every one," promiscuously pig together; engendering a race of people not descended, as Voltaire says, from monkies and wolves, but a new species of man as the product of this new philosophy, a nondescript in the order of human beings, and hitherto unknown to the naturalist. But as that present state of things to which the sermon alludes, is widely different from the present state of things, the only remark I shall make upon what I have stated, is this, in the shape of a question—Is there, or can there be, any just reason why the Quakers, or any other of the sects of dissenters, should be more forward in showing themselves friends to the rights of humanity, than the members of the established church are? And to this I shall wait for an answer in argument: but, in the mean time, having heard the assertion that they are so, and understanding that all the petitions for the abolition of this trade have been either from, or through the influence of, this body of men; and apprehending that the same proceeding may be adopted in this House, I shall trouble your lordships with a few reflections on this subject.

I say, then, as a general proposition, that the right of petitioning the king, or either House of parliament, is a right in-

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herent in the subject, fundamental in the constitution, just in its origin, and beneficial in its application; but, at the same time, it is a right subject to limitations. That it is a restricted right we know from the act of the 13th Chas. 2d, s. 1, c. 5, the restrictions of which I need not here enumerate; but the reasons of those restrictions we all must remember to be on account of the rage for petitioning that preceded the grand rebellion in 1640; and we know too, that it is under these restrictions that the right is declared and confirmed by the act of the 1st of Wiliam and Mary, s. 2, c. 2. This, then, being the case, my argument is, that the ground of every petition to the king, or to either House of parliament (legal ground I mean) is and can only be for two causes—either against the infringement of a constitutional right by the legislature, or by any branch of it; or, that right being so infringed, for a redress of grievances. Now, I conceive, the constitutional rights of the subject to be, and only to be, the right of personal security, the right of personal liberty, and the right of private property; and against the infringement of any of these rights, or, if infringed, for the redress of grievances, are the only grounds, on which the subject's right of petitioning is made to rest. This I take to be clear and indisputable doctrine; and being so, let us see whether the petitions that have been and may be again presented, for the abolition of the slave trade, are founded upon the infringement of any one of those rights; and if not, whether they are not consequently illegal? Let me ask then, is the carrying on of the slave trade against the personal security, the personal liberty, or the private property of these petitioners; or does it in any wise disturb any one of these rights? What must be the answer? Examine the question. It is impossible to be so. Upon what ground, then, are these petitions? Are they for the redress of grievances? No: this neither cannot be; for none of these rights are infringed upon, and not being infringed upon, there are no grievances to be redressed.

But these petitions must have some ground to stand upon; and what is it? It is, say the petitioners, the ground of humanity; but humanity, as I have shown, is no ground for petitioning: humanity is a private feeling, and not a public principle to act upon: it is a case of conscience, and not a constitutional right; and if petitions are to be admitted for conscience sake, why not petition to alter the liturgy of the church of England, and to change the established religion of the country? The ground is the same, and the reason the same; but, I trust, the practice is not meant to be the same. But here, too, reverts my question, what right has a Quaker, or any other dissenter, to more humanity than a church of England man? And yet such is the pretence; but admitting he has, what is the answer to their petitions? The aswer is, have nothing to do with the trade, and your humanity is out of the question; but if this were not so, let me ask again, what right has any body of men, however numerous (unless with sinister views, or for hypocritical purposes) to set up their humanity against the humanity of other people; and, to satisfy that humanity, to call upon parliament—to do what? to repeal their own acts; and this, too, in a case where not only public faith is to be violated, public justice sacrificed, all ideas of policy obliterated, thousands and tens of thousands of subjects ruined, millions and tens of millions of property lost—but where against this very (now-dissenting) humanity, this trade has been carried on by all countries in the four quarters of the globe; and particularly by this for near two centuries and a half. But what is all this to us, say these petitioners; for has not citizen Robespierre said, "perish the colonies, rather than we should lose one of the principles of our new philosophy?" But I say, that this is to dictate to parliament; it is to petition "for the alteration of matters established by law in the state," which is expressly contrary to law; it is to set up toleration against establishment, and to presume on strength where weakness ought to prevail. The inference I then drew, is this, that these petitions are not founded on any constitutional ground, either of infringement of right, or redress of grievances, but savouring of the times, are like those tumultuos petitions that, preceding the grand rebellion in the year 1640, gave occasion to the act alluded to of the 13th Chas. 2d, and being so, are consequently illegal, and being illegal, ought not to have been received, but being received, ought wholly to be disregarded. —His lordship then moved, "That the further consideration of the question for the abolition of the slave trade be postponed to this day five months."

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Earl *Stanhope* said, that the present motion was unprecedented. What! stop a judicial inquiry, when only one side of the question had been heard! This would be the height of injustice. The abolition of the slave trade was a most glorious work; it was the work of humanity, of freedom, and of justice. Our slave trade had nothing to do with the French Revolution, and therefore he should give the motion his decided negative.

The Duke of *Clarence* thought it would be impolitic and unjust to abolish the slave trade. He went into the merits of the trade, the immense capital that was employed, and the consequences that must ensue from putting a stop to that which ages had confirmed as highly beneficial to this country. The business of this sort of freedom was begun by a Mr. Ramsay, who was one of the most tyrannical men that ever governed a plantation in the West Indies, but who, philosophied by those new-fangled principles of liberty, which had deluged Europe with blood, became now as great a tyrant to order and good government as he was before to justice, moderation, and true liberty. His royal highness asserted that the promoters of the abolition were either fanatics or hypocrites, and in one of those classes he ranked Mr. Wilberforce. That French politics did interfere with the opinions and arguments of British senators, he should be able to prove by a letter from lord Stanhope to citizen Condorcet. This letter he read. It contained congratulations to the French republican on the turn which the slave trade was likely to take, and the victory obtained in the House of Commons over the opponents to freedom. It also mentioned with joy that the day was arriving when liberty would triumph, and monarchical tyranny be every where exploded and crushed.

Lord *Grenville* took up in a very serious manner, the attack made on Mr. Wilberforce—a gentleman who was an ornament to human nature. The epithets of fanatic or hypocrite did not belong to him: he had taken up the business with a spirit that flowed from justice, and had persevered in it with an assiduity that did credit to his heart as well as his head. There was little doubt, but that in the end the noble object of his pursuit would be crowned with success. In respect to the motion, it certainly should have his dissent; because it was not giving a fair chance to the business; and it would be a great insult to the Commons to decide by this hasty vote that which they had with such labour and pains brought to their bar for a solemn decision.

The Duke of *Clarence* made a handsome apology for what he had said on Mr. Wilberforce: he respected that gentleman's very high character, and certainly meant him no personal or political insult.

The Bishop of *St. David's* said, that though neither a correspondent with Condorcet, an admirer of French republicanism, or a friend to fanatics, yet he conceived that, before war was declared against France, he might communicate by letter with a man of sense, talk familiarly with a dissenter, and converse on philosophy, without losing an atom of that veneration he had for our mixed monarchical government, or forfeiting an iota of his firm allegiance to the king, and his true friendship for the constitution. But it so happened that he had no correspondents in France, and that he detested from his heart the principle which it was now evident actuated this rebellion. He was, however, a friend to the bill for abolishing the slave trade, and having studied the whole of the evidence on that subject, and in a great measure made up his mind upon it, he should certainly give his negative to the motion made by the noble earl.

The Earl of *Mansfield* hoped the noble earl would withdraw his motion, and not take the sense of the House upon it.

The Earl of Abingdon agreed to withdraw his motion.

Debate in the Commons on the Renewal of the East India Company's Charter.] April 23. The House having resolved into a committee to take into consideration the petition of the East India Company relative to the Renewal of their Charter,

Mr. *Dundas* introduced his observations upon the important national subject of the British government and trade in the East Indies, by stating, that the difficulties which he had experienced had arisen, not only from the importance and magnitude of the subject, but from the system which he was to propose being in opposition to established theories in government and in commerce. These theories, he admitted, were just and applicable to other cases, and yet he found it dangerous to listen to them, when he was devising a plan of government and a system of

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trade for British India. "No writer upon political economy (he said) has as yet supposed that an extensive empire can be administered by a commercial association; and no writer on commercial economy has thought, that trade ought to be shackled by an exclusive privilege. In deviating from these principles, which have been admitted and admired, I am sensible, that my opinions have popular prejudices against them, but I am supported by successful experience; and when the House adverts to the peculiarities of the subject before them, they will at once see, that I am not attempting to overturn theories, though I am unwilling to recede from old and established practice. I wish, in the outset, to arrest the attention of the House, and to fix it on the advantages which Great Britain actually possesses, and then to ask, whether it would be wise or politic to forego them in search of greater advantages which may exist only in imagination? It would be idle, it would, perhaps, be a proof of ignorance, to maintain that all the advantages which Great Britain possesses from its connexion with India, arise out of the present exclusive privilege of the company; but it would be rash, and, perhaps, impossible to say, what might be the political or commercial effects of a variation from the present system. In an age of enterprise and improvement, men are unwilling to hear of restraints; but the wisdom of the British parliament will not rashly relinquish a positive good in possession, for a probable one in anticipation." Mr. Dundas then stated, that the shipping employed by the East India company amounted to 81,000 tons; that the seamen navigating those ships were about 7,000 men, who had constant employment; that the raw materials imported from India, for the use of the home manufactures, amounted annually to about 700,000*l.*; that the various articles of British produce and manufacture annually exported to India and China, in the company's ships, amounted to upwards of a million and a half sterling, including the exports in private trade allowed to individuals; that the fortunes of individuals acquired in India, and remitted home through the medium of private trade, by bills on the court of directors, or by other means, formed an addition to the capital of the nation, the amount of which could not be accurately ascertained, but might be stated, at least, at a million per annum. "The industry of Britain (he observed) is thus, on the one hand, increased, by the export of produce and manufactures, and the consumption of these manufactures enlarged by the number of persons returning with fortunes from India, or who are supported by the trade and revenues of India; and on the other, it is fostered and encouraged by the import of the raw materials from India, upon which many of our most valuable manufactures depend. In short, the receipts and payments of the East India company amount annually to more than six millions sterling.

Having made these observations, Mr. Dundas brought forward the general question—Upon what principle ought the state to govern its Indian possessions? And under what regulations ought the trade to the East Indies to be conducted? He wished if it were possible, to state separately his observations upon the two great points comprehended in this question; but he found that it would be impracticable to explain his ideas of the government, without frequently referring to the connexion established between it and the trade. Mr. Dundas then stated the nature of the present government of India; that it was vested in a corporation under the control of the executive power, and the superintending authority of parliament, and that the experience of nine years had justified this system, and induced him to propose to the consideration of the House the continuance of it. "There were (he said) facts and events respecting which there could be no difference of opinion. India, or the country in Hindostan governed by Britain, is in a state of prosperity unknown to it under the most wise and politic of its ancient sovereigns. The British possessions compared with those of the neighbouring states in the peninsula, are like a cultivated garden compared with the field of the sluggard. The revenues of India have been increased, and the trade connected with them is in a state of progressive improvement. A war, as inevitable as it was politic, has been conducted with vigour and brought to an honourable and advantageous conclusion. Should it here be said, that the company is an improper instrument for the management of an empire: I would (if they were not under the control of the executive power and the superintendance of parliament) readily admit the force of the argument; but if I find them to be an organ of government, and

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of trade, which has experimentally proved itself to be suited to the administration of distant provinces, the revenues of which are to be realized through a regulated commerce, I am afraid to lay aside a means which has hitherto answered all the political and commercial purposes for which they had been employed."—Mr. Dundas then took a view of the hypothesis, that the system of governing India should be altered, and enumerated the difficulties which must be overcome, before the separation of the government from the trade could be effected. In the first place, he asked, would not the company, under the general terms of their charters, lay claim to the whole territorial revenues of India. They in fact do make such a claim; but he was by no means of opinion, that it had any legal foundation. It must, however, be allowed, that there is room for much legal discussion on this subject. Under this impression he had asked from those, who to local knowledge had added experience in governing India, and in conducting the trade, what buildings of every description would be required by the company, for the purposes of trade, and what would be required by government, exercising its civil, military, and financial powers. He had asked, upon what data the compensation for the buildings and property to be assumed by the public could proceed? He had asked, whether the stores required for the protection and defence of the settlements were to be paid for, upon the principle of the original cost, or upon that of an equitable mercantile profit? He had asked (upon the hypothesis of a complete separation,) what offices would be required for government and what for commerce, and with the object of ascertaining the functions of these separate departments, and the expenses each would cost? He had asked, what burthens the company had incurred in acquiring and maintaining our territorial possessions, that he might form some estimate of the compensation to which they would be entitled, or to which, in reason, and in equity, they would look forward? He appealed to the House, whether these difficulties were not of a nature that would be embarrasing, in carrying into execution any plan for a separation of the government and revenues from the trade of India. In the next place, supposing all the preceding difficulties to be overcome, Mr. Dundas adverted to the probable evils, which the delay, arising from the plan of a separation of the government from the trade would produce. Recurring to the actual state of the revenue and of the trade, and to the advantages which the public were deriving and were about to receive from the company, he asked, would not the system of separation create an interruption in the discharge or liquidation of the company's debts? Would it not derange the regular progress of their increasing commerce, and would there not be a serious danger, that while these innovations were introducing, rival European powers might grasp at the occasion, renew their commercial efforts, divert into a new channel the streams which were running towards Britain and rendering London the emporium of the eastern trade? We thus might lose national advantages, which we never might regain. He asked, in fine, considering the distance of the two parts of our empire from each other, whether an injudicious procrastination might not shake that confidence, which so remote a dependency at present had upon the sovereignty of Britain? And whether this danger was to be incurred, merely because it was true in theory, and popular in opinion, that a mercantile body was unequal to the government of distant provinces? His reasonings, he knew, were reprobated by the political principles of ancient nations, but the case was novel; it was not through commerce that they received revenue; for commerce then was narrow, and could not be the vehicle by which a revenue could be realized by any sovereignty.

Mr. Dundas stated as a third difficulty, in receding from the present system of government in India, the effect which the innovation might have on the minds of the natives. They had been long habituated to look up to, and to rest upon the protection of the company. We have now, said he, after many a struggle in the field, and after the many experiments which necessarily preceded the establishment of a regulated commerce, the prospect of consolidating our power and increasing our revenue. Would it be wise to recede from the treaties by which we acquired our territories? Or would the deviation from them accommodate itself to the feelings of the natives? It would be vain to suppose that their minds, or their habits of thinking, could be easily familiarized to the change; no foresight

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could even conjecture the consequences. The natives of India look back to the ancient sovereignty of the Moguls, and their confidence in the company has its source in the country governments, exercising power as a branch of that subordination to which their forefathers were subjected. Would the attempt to unhinge their opinions be liberal, or would it be just? Lord Clive, to whom we owe our empire in India, with a discernment and a wisdom equal to his valour, laid the foundadations for consolidating the British power in Asia by entwining his laurels round the opinions and prejudices of the subjugated natives. To this political foresight, his country is as much indebted to him, as for his victory at Plassey. This great warrior and statesman thought that it would be wise to hold our territories by grants from the Mogul. He saw that all the native princes and states, which had sprung up out of the ruins of that empire, were sheltering themselves under the forms of the fallen government; he knew that the power of granting or refusing privileges no longer remained with the emperors of Delhi; but he appealed to the rights of these sovereigns, and on these rights engrafted the British power in Asia. If, then, the natives of India paid so much adoration to the shadows of their departed monarchs, would it be wise or politic to attempt to tear from them their feelings and their prejudices? We might attempt it, but feelings will flow on in their accustomed course. If the company have been found a successful instrument for the administration of our Indian affairs, might not the assumption of the power by the state shake the faith of the native princes in all the treaties which we have made with them; and might not those alliances, which had lately thrown the balance of power in India in favour of Britain, be lost, by what to these sovereigns would appear a measure contrary to their notions of our national honour? In proof of the inexpediency of deviating from experience, Mr. Dundas farther appealed to the opinions of those distinguished men who, soon after the acquisition of the territorial revenues, had held high situations in India: government, availing itself of their abilities, and desirous of forming plans for the future administration of Indian affairs, stated to Mr. Hastings, Mr. Barwell, sir John Clavering, Mr. Francis, colonel Monson, sir William Chambers, and sir Elijah Impey, the following important questions: 1. Upon what political principles can Bengal, Bahar and Orissa, be held by great Britain? Upon this subject, some of them were of opinion, that it would be preferable to continue the Mogul forms, to which the natives have been habituated; and others of them recommended, that the sovereignty should be assumed directly by Great Britain. 2. In whom is to be vested the executive power in India? And here the opinions were equally different; some recommending that it should be in the governor *in* council; others, that it should be in the governor *and* council. 3. Under what restrictions is the power of subordinate legislation to be exercised? And on this point, there also existed differences of opinion, respecting the share to be given to the governor and council, and to the supreme court of judicature. 4. Under what title and in what manner ought the territorial revenues to be collected? On this subject also the opinions were at variance; some recommended the Mogul revenue system, others the financial economy of Britain. 5. How are the other revenues to be collected? that is, the duties and customs. 6. By what courts ought the judicial power to be administered in the British provinces in India? And here the opinions turned upon the different modes of administering justice among the British subjects. If I had found (said Mr. Dundas) that so many able men, who either possessed the advantage of local information, or who were employing themselves in the pursuit of it, had agreed in opinion in the answers which they transmitted home upon all or upon any of these subjects, it would have been an inducement to build a system upon them; but from their differences of opinion, I can only draw this conclusion, that it is safer to rest on the present system, which experience has rendered practicable, than to entrust myself to theories, about which ingenious and informed men have not agreed.

Having thus shown the expediency of continuing the foreign government, as at present administered, Mr. Dundas then considered the propriety of continuing the domestic plan of administration. He was aware it might be asserted that though, the patronage was directly in the company, it was indirectly in the crown. With respect to this subject, he wished only to fix the attention of the committee on the fact, that the civil and military servants were appointed by the directors. He by

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no means meant to be understood as asserting that the recommendation of a person by the executive power, would not meet with attention; on the contrary, he was free to confess, that it had often done so, and that the directors had been disposed to listen to such recommendations. He was ready even to meet any objections upon that topic, by the fair avowal of the degree in which the court had listened to the wishes of the executive power, and he would be happy when that subject came to be under the consideration of the House, to state the extent of patronage which had been, from time to time, exercised by government. At the same time he stated his full conviction, that if the Indian patronage should be vested and concentered immediately in the crown, the weight of it would be too great in the balance of our government, and might prove dangerous to the spirit of the constitution. It was enough at present to refer to the fact, that the patronage, from the appointment of writers and cadets, and the promotion through all the gradations in the civil and military departments, were in the company. Upon the supposition, however, that abuses of this power had been committed, to the extent with which the company had been charged, still he would rather endure these abuses, than run the risk of alarming the best friends of their country, by an undue increase of the executive power. Had even the government of India remained as much unrestrained by the executive power and by parliament, as before the establishment of the present system, by the act of 1784, still, with all its imperfections on its head, and with all the faults which marked it, he would have preferred a lesser to the greater evil, of placing the administration of the government and revenues in the hands of the state. The case, however, was otherwise; the company could no longer oppress the natives, by an unjustifiable augmentation of revenue, because the affairs of India were under the immediate control of the executive power. The company could no longer augment their investments by despoiling the natives of the fruits of their industry, because the tenures on which the lands were held were rendered permanent, and the taxes on the produce of arts and manufactures were known and fixed. The company could no longer make war, to gratify the avarice and ambition of their servants, because their servants were now made responsible to their superiors, and these to the decisions of a British parliament. The present system of governing India, both abroad and at home, has been found adequate to the objects both of war and of peace. In so far as that system shall appear to be experimentally erroneous, it can be varied and improved by regulations, calculated to remedy those errors, but it would be unjustifiable rashness totally to overturn it, and to enter on the task of inventing, what might, perhaps, be only more perfect in description. It may not be improper, at the same time, to observe, that if the present domestic system has been found adequate to the past, there seems no reason to think that it will be less so for the future. I allow (said he) that when the present controlling power was instituted, the commissioners for the affairs of India had much to learn from the details of business; nor do I consider it as ostentation, when I look back to the embarrassing situation of the company's affairs, to the difficulties which were to be surmounted, and to the fortunate issue of our efforts, to give it as my opinion, that it is safer for this country to continue the present mode of government by the directors, controlled by the executive power, than to recur to the speculative plan of inventing a more perfect system, however recommended as plausible in theory or splendid in experiment. So far as regards myself, ever looking forward to the present moment, when a system for Indian affairs is to be finally devised and adopted by parliament, it was always my object, in all the reports which I have annually submitted to parliament, and in all the publications on Indian affairs which I have either patronised or authorized, to give to the public every thing that I myself knew respecting the subject, and to take off the veil from what has been called the arcana of Indian politics and trade, that the plans respecting them, in their succession might lie open to the understanding of every man, who would take the trouble of perusing and studying them; it was from this freedom of communication I expected the kind of knowledge would be diffused, which could enable the members of this House and the nation at large, to examine and decide upon the propositions which I was to submit to the good sense and probity of the British nation. The legislature and the public could then judge for themselves, what system of foreign and domestic government would be best suited to the Asiatic interests of their country.

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Mr. Dundas then proposed, that the board of commissioners should continue in its present constitution; but with one change, viz. that his majesty should have the power of promoting to a seat at the board, men, who were not of his privy council. It was in the remembrance of many of the members of the House, and it was known to them all, that at the period when the board of control was instituted, the object was, that the members composing it, should be selected from those high departments of the state, where, as officers of the crown, they enjoyed emoluments which would compensate for the discharge of this new trust. It had been found, however, from experience (whether this was to be referred to the other important charges committed to the members of the board, or whether to their aspiring at the great offices of state) that the changes at the board had been too frequent, to enable those who had the immediate responsibility, to derive the aid they might otherwise expect from their counsels and support. Though no member who had held a seat at the board had left it without having done himself honour by his labour and attention, yet he could not help wishing for the aid of some members to this board, whose situations might be considered as more permanent.—Having thus given his opinion of the foreign and domestic government required for Indian affairs, he could not but offer a public apology for differing in opinion, on the subject of the appointment to the governments and supreme councils in India, from lord Cornwallis, who recommended, that this power should be vested in the crown. Two reasons had induced him to prefer the continuance of the present system One was, that the crown had the power of recalling these officers, if their administration appeared to be directed by any but public measures. Another was, that a minister might be prevailed upon, from private motives, or by solicitations from those whom it might be difficult to resist, to appoint persons whom he himself might not entirely approve of. The case, however, was widely different, when a minister could only recommend a character to the judgment of twenty-four persons. This check was a proper one on the executive power, and obviously tended to make the directors careful in choosing a man, whose appointment they could avow to the public. These were his reasons for recommending the continuance of the present mode of appointing to the governments in India, and he left them to the consideration of parliament as an apology, why he had adventured to differ in opinion from the high authority to which he had referred.

Mr. Dundas now proceeded to consider the subject of the East India trade, and stated the general question, under what regulations ought the trade to the East Indies to be in future conducted? He prefaced his observations upon this subject, by alluding to the difficulties, which upon it, as well as on the subject of government, he had experienced, from the influence of prevailing speculations and theory; but here also he held it to be his duty to rely on experience alone. I wish not (said he) to curb the spirit of commercial enterprise in a nation where it ought to be cherished and encouraged; on the contrary, I wish to give it its utmost scope, consistently with the safety of those who may engage in it, and with the general prosperity of the kingdom. Parliament has to hear the claims of all parties, to listen to the reasoning by which they support them, and to keep its judgment to one great object, the interest of the British Empire. If any branch of commerce (arrived at whatever height it may be) shall be made a subject of commercial argument, and the history of it not taken into view, like a law, the system of trade may seem to be obvious, while the application of it will be found impracticable. If the East India trade of Britain is the greatest commercial concern which has as yet occurred in the annals of polished nations, it is at the same time, the most striking example by which we could illustrate the force of the preceding experimental observation. Were a member of this House merely to take up the account of the profits of the East-India trade, and then to fix his attention on the surplus revenues proposed to be divided between the public and the company, and without looking back to the vicissitudes through which the trade has passed for nearly two centuries, or examining the aids which the nation has given to prop up the credit of the East-India company, as its commercial representative in Asia, I can suppose him embracing the opinion, that monopolies are baneful in their spirit, and exclusive privileges destructive in their tendency; and he has the authority of the first modern writers on commerce to support his plausible opinion. If, however, he will look

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back to the losses which the company have experienced, or if he will examine the profits which, from time to time, they have drawn on their capital stock, he will probably start back from his own speculations, and reflect and deliberate well, before he will give his voice for depriving them of their exclusive privileges.

In this place, Mr. Dundas took an interesting retrospect of the history of the East India trade, and the substance of his observations was nearly as follows: The staples of Asia, he said, viz. spiceries and aromatics, precious stones, and wrought silks and cottons, had been in estimation among all the polished nations, and with all the great sovereigns in the ancient and modern worlds. As the darkness which hung over Europe, during the middle ages, began to be dispelled, the same taste for the productions of the East was created by the commercial efforts of the Italian republics. By means of caravans, and the navigation of rivers, the produce of India was brought to the shores of the Mediterranean, and carried from the ports of this sea, by the traders of Venice and Genoa, to the different countries in the north of Europe. The riches acquired by these republicans in consequence of the exclusive privileges which they possessed in the countries through which the Eastern commodities had to pass before they reached the Mediterranean; if it had given them the entire possession of the trade, at the same time tended to rouse the spirit of enterprise and of discovery among the other European nations. In consequence of this prevailing spirit, the Portuguese, under Vasco de Gama, discovered the passage to India, by the Cape of Good Hope, and, in a short time, not only annihilated the trade of the Italian republics, but acquired the trade and the settlements in India which gave to Emanuel an exclusive possession of all the wealth which the East could then send to Europe. About the latter end of the 16th century, the Dutch became independent of the crown of Spain, and sent their armed ships to the East-Indies. In a few years they were the rivals and supplanters of the power and influence of the Portuguese, and at last erected their several, but connected, East-India companies, carrying on the trade upon a joint stock, and under an exclusive privilege. This spirit of commercial enterprise, in a short time, induced France to engage in the Asiatic trade, and, in imitation of the Dutch, to establish its East-India company. The French, however, were not as yet acquainted with the principles upon which a foreign and distant trade could be established, having been accustomed only to a narrow traffic with their European neighbours. During these important commercial transactions, England also became an eagar competitor in the trade and navigation to the Eastern world. Possessed of more national ardour, and equally persevering with the Dutch, emerging too from civil and religious thraldom, it determined to participate with the Portuguese and the Dutch commercial adventurers in the profits of the trade to the East-Indies. Imitating the example of the other European nations, queen Elizabeth gave a charter to the London company in 1600. At first, one or more of the adventurers were entitled to carry on the trade upon their own shares, but in a short time it was found necessary to rest the whole of the concern upon a joint stock. In the succeeding reigns, the crown frequently granted licences to individuals, and the London company had to struggle, not only against the foreign companies of Europe, but against the English interlopers. At last a new association was formed, under the name of the English East India company; the charter of the London association still remaining. It was soon, however, found, that two companys belonging to the same nation, neither could carry on the trade with profit to themselves, nor for the interest of their country. The London company had, besides, purchased up the greatest part of the shares of the English, the ruin of both would have followed, had not the whole subject been referred to lord Godolphin, and had not, upon his award, the present united company of merchants of England trading to the East Indies, been established. From this period to the middle of the present century, the trade to the East Indies had nothing peculiar to distinguish its character in Britain from the other countries in Europe; the ships of the European companies, in general, carried out bullion and produce, and brought back goods from India and China to be disposed of at our sales in London. —Towards the middle of the present century, however, France formed the bold design of acquiring territorial possessions in India, and the struggle between the French and the English companies terminated, in our acquiring a revenue of many millions sterling, and comprehending about

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twenty millions of inhabitants. This triumph of England was ratified by the memorable peace of 1763. The House may easily form an idea of the state of our Asiatic commerce at this juncture, from the following statement: from 1731 to 1741, on an average of ten years, there was paid for bullion exported, 464,574*l.*; for goods and stores exported, 152,609*l.*; the bills drawn on the Court of directors amounted to 167,410*l.*; and the amount of the sales in Europe was 1,700,675*l.* From 1741 to 1747, on the average of six years, there was paid, for bullion exported, 567,238*l.*; for goods and stores exported, 189,411*l.*; the bills drawn on the court of directors amounted to 230,914*l.*; and the sales of goods amounted to 1,907,105*l.*; from 1747 to 1757, on an average of ten years, there was paid, for bullion exported, 767,057*l.*; for goods and stores exported 267,730*l.*; the bills drawn on the court of directors amounted to 164,482*l.*; and the sales of goods amounted to 2,143,459*l.*; from 1757 to 1767, on an average of ten years, there was paid, for bullion exported, 121,287*l.*; for goods and stores exported, 428,707*l.*; the bills drawn on the court of directors amounted to 432,891*l.*; and the sales of goods amounted to 2,315,573*l.*

Mr. Dundas, having thus given a view of the company's affairs, when their situation was merely commercial, or changing to the novel character of delegated sovereigns drawing revenues from rich provinces, to be realised in Britain through the medium of trade (after again adverting to the magnitude of our possessions, and to the acquisition of the Duannee) observed, that the company was the instrument of government, remitting a revenue which was to furnish a capital for trade, exclusively of the exports upon which they had formerly depended. Adverting again to the laudable interferences of parliament to obtain, upon evidence, a knowledge of the actual value of the British possessions in India, and to the successive regulations in different acts, down to the period when the present system of control was established, in 1784; he concluded that the company had now become the organ by which the Indian Empire of Britain ought to be administered. Upon this system, Mr. Dundas remarked, there were a variety of opinions: by one set of men it was maintained, that it was a political absurdity to entrust to a commercial association the government of an empire; since the very nature of this power rendered it impracticable for the company's servants, either to conduct commerce upon proper principles, or to govern our subjects in India wisely or well. But is it not true, (said he) that the revenues of India must pass to Britain through the medium of trade? Is it not true, that the manufacturers of Britain, whether we view them as exporting produce wrought up from the materials of our own country, or as drawing their gains from produce that depends on raw materials imported from the East, have become rich? Is it not true, that the tribute from India cannot be realised in Britain, with safety to the state, through any other medium, but that of a regulated trade? Is it not true, that from the acquisition of the Duannee to the present times (particularly since the control of the executive power has been successfully employed to prevent abuses in the administration of the government and revenues of India) that the trade has been rapidly improving and increasing, and that parliament have had annually the evidence of this fact before them? The inference is obvious, that in the trade, as well as in the government of India, experience may be at variance with plausible speculation; but that in trade, as well as in government, we must rely on practice. Here Mr. Dundas laid before the House the following interesting statement; by which, he observed, the increase of the trade, since the acquisition of the Duannee, would be fully illustrated. From 1767 to 1777, on an average of ten years, there was paid, for bullion exported, 110,042*l*; for goods and stores exported 489,081*l.*; the amount of the bills drawn on the court of directors, was 458,768*l.*; and of the sales in Europe 3,329,136*l.* From 1777 to 1784, on an average of seven years, there was paid for bullion 5,653*l.*; for goods and stores exported 500,089*l.* the bills drawn on the court of directors amounted to 761,425*l.*; and the sales of goods to 3,185,556*l.* From 1784 to 1790, on an average of five years, there was paid, for bullion exported, 617,930*l.*; for goods and stores exported 635,145*l.*; the bills drawn on the court of directors amounted to 1,551,985*l.*; and the sales of goods amounted to 4,572,466*l.* From 1790 to 1793, on an average of three years, there was paid, for bullion exported, 466,893*l.*; for goods and stores exported 935,776*l.*; the bills drawn on the court of directors amounted to 668, 366*l.*; and the sales of goods amounted to 5,103,094*l.*

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Having thus explained upon evidence, what the existing interests of Britain are in India, Mr. Dundas proceeded to examine the arguments which had been laid before him upon the subject of the open trade. In the first place, he had been told, that the revenue might pass through the medium of the company, though their exclusive privileges were to cease and determine; and if this were not admitted, that the revenue might be distributed among the private merchants, and, through them, be realised in Britain, as safely, as through the company. Before he could assent to either of these opinions, it became necessary for him to advert to the consequences of admitting them. I am of opinion, said he, after viewing the magnitude of the revenue and of the surplus, after discovering the degree in which the public is to participate of it, and after having had it proved to me upon evidence, that the company is the most safe vehicle, through which, the remittances of this surplus can be made either to itself or to the public; that it would be unwise to try the experiment of resorting to any other system. But allowing, that the open trade might become a means of realising the revenue in Britain, there were consequences both to Britain and to India, which might result from the experiment, and they would readily be foreseen by the House. If the inhabitants of Britain were to be permitted freely to emigrate to India, colonization must necessarily take place.,' Mr. Dundas wished therefore, to know, whether this was an experiment that ought to be tried? And, whether the proofs which we have had, of the pernicious effects of emigration, would not be multiplied by such a measure? Setting aside, however, this probable evil, the more obvious one of the effect of colonization upon India itself, must be deliberately examined, before we can adventure to authorize it. All the gentlemen, he said, who have resided in India, with whom I have conversed, and all the information which I have received from those, at present in the most important stations in India, either political or commercial, agree, that an unrestrained liberty to the Europeans to emigrate to, and to settle among, the Indians, would, in a short time, annihilate the respect paid to the British character, and ruin our Indian empire. Indeed, we have only to advert to what must be the situation of the settlers and of the natives, and we shall at once discover that this opinion has a solid foundation. If numbers were to emigrate to India, they must find out habitations and occupations in that country. In acquiring the former, they must drive the natives from the spots, upon which they and their forefathers have lived; and in pursuing the latter, the rivalship would enhance the price of labour, to the degree, which would soon render the profits from Indian imports almost nothing. But supposing these to be only probable mischiefs, there is one which is certain, and which materially affects the preservation of our Indian Empire.—An indiscriminate and unrestrained colonization would destroy that respect, or rather eradicate that feeling, which is so general among the natives, of the superiority of the European character. It is a fact, that upon this feeling of the superiority of the Europeans, the preservation of our Empire depends, and it is owing to the limited number of them, and to their being the covenanted servants of the company, or licensed inhabitants, that the idea of the superiority is so general, or that it is so effectual a means of administering the government of our provinces. I cannot, said he, illustrate these observations better, than by referring to the correspondence between Meer Cossim and Mr. Vansittart: the nabob complained to this governor, that the natives were oppressed and harassed by numbers of vagrant Europeans: thinking perhaps that the nabob was alarmed, without reason, Mr. Vansittart replied, that these Europeans were too contemptible, to deserve notice, they may be contemptible answered the Nabob, in your opinion, but the dog of an European is of consequence among the timid natives of this country. If then the superiority of the European character must be maintained in India, it is impossible for us to think of authorizing an unrestrained emigration. There is one view of the subject, which must forcibly strike every man's observation the moment it is brought before the House. Adventurers finding their hopes disappointed, and that the fortunes they had promised themselves existed only in their own imagination, being, too, without resource, might seek, and would find, employment in the armies of the Mahrattas and of Tippoo Sultan. Would it be wise, then, to fill the armies of our rivals in India with recruits from Europe; or can we suppose, that the open trader would conscientiously hesitate to supply the native powers with the mi-

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litary stores, by which their armies might first resist us, and then wrest from us, the empire which we possess?

In the next place, Mr. Dundas stated, that he had been told, the exports of British produce would be increased, if the trade were laid open. However specious this opinion might appear, it became necessary that parliament should know the fact, and for this purpose, he would select two or three articles, of what might certainly be considered as the principal articles of British manufacture. Woollens would be allowed to be the first of our staple commodities. It was easy for the speculator, while he merely considered the extent of our dominions in India, and that they were inhabited by twenty millions of our subjects, to fancy, that here he would find unbounded sales for his goods; but he reflected not, that the climate was against the wear of woollens; he reflected not that the religous prejudices of many of the casts of the natives forbade their using them; he knew not, perhaps, that the dress of the natives is as fixed and local, as their manners. It was easy also for the speculator to suppose, that in such a country as India, he could find a market for any quantity of earthern ware, but he did not reflect on the bulk of the commodity; he had not estimated the amount of the freight of it; or if he had, perhaps he did not know that the religious prejudices of many of the casts forbade their using what had been fabricated by the impure hands of infidel strangers. It was easy, in like manner, for the speculator to imagine, that if he could find a sale for his cottons in India, his riches would keep pace with his desires; but did he hope to rival his master in an art, in which he was only an imitator; or could he expect (comparing the high price of labour in Europe with the low price of it in India) that he could undersell him there? There were some articles of Europe, manufactured cottons, which, from the superior taste and elegance of the patterns, might find a sale in India, and he hoped they would increase, but from the nature of the case, the superiority of the Indian manufactures must remain with the natives. I mention these particulars, said Mr. Dundas, merely to moderate the expectations which have been entertained in consequence of the speculation of an open trade to India."

In the third place, Mr. Dundas observed, that it had been a favourite topic of late, to declaim against monopolies, and to confound what was truly a monopoly, with the exclusive privilege of the East-India company. A monopoly, he observed, gives to individuals, or to associations, the power of bringing what quantity of goods they may choose into the market, and of affixing on them whatever price their avarice may suggest. The House, however, would at once distinguish between this narrow aspect of a monopoly, and an exclusive privilege given by the legislature to a company, proceeding upon a capital equal to the magnitude of the concern, and subject to regulation, and public control: This distinction being admitted, the legislature will not be disposed rashly to change a current which is turning the greatest wheel of British commerce, which is giving food to industry and wealth to regulated enterprise, and which is about to become, independently of what we draw from duties and customs, one of the resources of the nation. It had been of late a fashion in our manufacturing towns, to hold meetings, and to come to resolutions, that the exclusive privilege of the East-India company was a monopoly, and that it was for the interest of the manufacturers this monopoly should be done away. I would wish to ask the projectors of such resolutions, whether they have examined what the company has been, and what they now are? To whom did they owe the riches which they had acquired from the cotton manufactures? To the East-India company! To whom had Britain been indebted for a great increase of of its shipping? To the East-India company! If from other sources our industry and navigation have been increased, the original obligation is not, on that account, the less, and ought not to be forgotten. Some small gratitude is due for all these benefits.

In estimating the merits of the East-India company, Mr. Dundas stated his wishes, that those who form a different opinion from that which he entertained on the subject, would examine accurately what was the real proportion of gain, from the India trade, received by the proprietors of East-India stock. It ought to be remembered on this subject, that the capital is now five millions, and the whole dividend, in compensation for such a capital, and for all the risks and dangers which have repeatedly attended the trade, is not more than 400,000*l.* out of a sum of no less than 3,750,000*l.* which is portioned

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out among various other interests. Of this sum, the merchants and ship-owners annually receive about 850,000*l.* the charges of merchandizes amount to 350,000*l.*; the goods exported, including private trade, at the most moderate computation, do not amount to less than 1,550,000*l.*; and the customs and duties paid to the public are more than a million annually. Such being the distribution of the returns on the India trade, it would be absurd to impute to the East India company, any charge of receiving exorbitant gains, at the expense of the public or of individuals of any description. In fact they have not received, nor are they likely to receive, the legal interest of the money, daily paid as the price of their stock. It is believed, few individuals would be satisfied with such a return on a commercial capital; and it behoves thinking men to consider well, before they allow themselves to be led away by general declamation, on topics, which are totally foreign and inapplicable to the subject.

Mr. Dundas then proceeded to call the attention of the House to the probable state of the East India company, supposing it possessed of no exclusive trade to India. I am afraid, said he, that many persons, who indulge themselves with the sanguine hope of great emoluments, arising out of an open trade to India, do not advert to the state of the East India company, independently of its exclusive rights. If the exclusive charter should expire in 1794, still the company would be a body corporate in perpetuity, and entitled to trade upon its joint stock. To whom, in this case, would the most important seats of trade in India belong? To the company undoubtedly. Under their original and perpetual charters they have legally purchased or acquired Fort St. George, St. Helena, Bombay, and Calcutta, and long before they were possessed of territories, or of the duannee. These possessions are their patrimonial property, and cannot be taken from them. Fort St. George was made a settlement by the old company in 1620, St. Helena in 1651, Bombay in 1668, Calcutta and fort William in 1689. Upon the whole, exclusive of the duannee, they have an unalienable right to valuable landed possessions, amounting at least to 250,000*l.* per annum. In addition to these, the whole factories and commercial establishments, both in India and in the eastern seas, undoubtedly belong to them. Agreeably to the principles he had already detailed, Mr. Dundas observed, that he must take for granted that the government and territorial revenues are to remain with the East India company, and, of course, that they must be considered as possessed of all the capital, and of the consequent advantages likely to arise from being the remitters of the public revenue, and these were equal in amount to the whole tribute which India can afford to pay to this country. Under these circumstances he might surely ask whether any individual would hazard his trade in an hostile competition with the East India company? and whether it would not be rash to disturb the established system of commerce when there were forcible reasons for continuing it, and scarcely any argument in favour of a contrary system? This topic he felt to be invidious, and therefore he declined enlarging upon it; he would, however, take the liberty of suggesting to those who were disposed to pursue an investigation of this subject, whether the Indian trade of the foreign European nations did not, from its actual state, tend to confirm the opinion, that it would be unavailing in the private trader to enter into a rival competition in the trade to India against the East India company of Great Britain. Before the passing of the commutation act some of the private merchants had had an opportunity of drawing profits from a contraband trade in tea to Great Britain; but since that event this source of profit had been nearly exhausted, and he believed that those who had recently endeavoured to draw profits from it, had, from their losses, receded from the enterprise.

Having thus considered what the British India trade is as a monopoly (if that term shall still be confounded with an exclusive privilege) Mr. Dundas took an interesting historical retrospect of what it had been when that monopoly had been interrupted. During a considerable part of the protectorate of Oliver Cromwell, he observed, that the private traders had not only been allowed to try the experiment of the India trade, but authorized by a commission, in 1654-5, to engage in it. The trade from this period to 1657, therefore, might be considered as open and free. Several circumstances had contributed to prejudice the protector against monopolies. The most distinguished writers on trade in England had inveighed against them, and in particular

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against the monopoly of the East India company: while the authors on the same subject in Holland had defended the privileges of their East India companies. The disputes, too, between the Dutch and English East India companies, from 1620 to the treaty which Oliver dictated in 1654, probably prejudiced him against companies of every kind. It appears, however, that, upon the trade being opened in England, the Dutch took an unnecessary alarm. In Thurloe's State Papers there is an interesting letter from Oliver's envoy at the Hague, intimating, "that the merchants at Amsterdam considered the opening of the navigation and commerce to the East Indies to be a measure that would injure the East India companies of Holland." Though Cromwell opened the trade for four years, the experiment soon convinced him that his own measure was as rash as the jealousies and apprehensions of the Dutch were unfounded. In three years he discovered that the company's trade (for he did not prohibit them from a competition with the private adventurers) was almost ruined, and that the Dutch had taken the opportunity of seizing on Calicut, on Columbo in the Island of Ceylon, on Manarr, and Jesnapatnam. Cromwell, therefore, in this instance, found it expedient to alter his opinion (though that person, it will be allowed, was not in the habit of giving up his prejudices), and to restore the charter in 1657. What is singular enough, in this event, is, that the private traders themselves were the first to petition the protector to restore the company's charter; and what shows the rashness of the measure in the strongest degree is, that when the company were re-established upon a joint stock of 739,782*l.*, only 50 per cent. of this sum was subscribed for, and deemed the capital stock of the company. If Charles 2nd, in 1660, renewed the company's charter, his wants, as well as those of James 2nd, led them to grant licences to individuals, the majority of whom became bankrupts. A similar experiment, though to a less extent, was tried some years afterwards. In 1683, on the failure of a payment of a paltry duty, a handle was made to cut down the charter of the old East India company, and for a loan of two millions, at 8 per cent., the general society, or English East India company, was established by a charter, the terms of which gave to this incorporated body a right either to trade on their separate shares in the capital, or to unite together, as a joint stock, the shares of as many individual proprietors as chose to carry on the trade in that manner. Here, therefore, a fair opportunity was given to make the experiment of trading as private or individual adventurers, or upon a joint stock. In a short time this last method of trading was found to be so preferable a system, that, when the two companies were united, not more than 7,000*l.* remained belonging to the separate traders of the general society. The inference from these events is, that not only the experience of other nations, but that of our ancestors, prove to us the danger of the speculation of an open East India trade.

Having thus examined what the trade is with an exclusive privilege, and what it was when this privilege was interrupted, Mr. Dundas entered into an examination of the complaints which had been brought against the East India company. It had been said that the company, having a capital provided for them in India, are less anxious than they ought to be in enlarging their export trade, and that thus they did not sufficiently encourage the industry of the manufacturers. It had been said, that they were not sufficiently attentive in bringing home the proper quantity of the raw materials required by our manufacturers. It had been said, that they have not provided for the remittance of the fortunes of individuals from India by means of trade, and that the effect of the inattention of the company, in these respects, had been to create a clandestine trade injurious to the commerce, the revenues, and the navigation of Great Britain. On the first of these subjects, Mr. Dundas observed, that since the acquisition of the territorial revenues, and particularly since the last peace, the exports from Britain had been greatly increased, and by the measures which he was to propose for the consideration of the House, he did not doubt but that the export trade would be carried on as far as the demands in India would bear. On the second of these objections he stated, that the imports of raw materials to Britain amounted to 700,000*l.* annually; and though this might not be the quantity required, it must be allowed that the company had made meritorious efforts. Means, however, would be proposed for enabling the manufacturer to supply himself with raw materials through the com-

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pany's ships as well as at their sales. On the third of these objections he observed, that the difficulty of sending home private fortunes would be admitted; but that the error was in the legislature, not in the company. By an act of parliament the company were limited in their acceptance of bills to 300,000*l.* in any one year; but this error would be done away by the plan of remitting the debts of the company from India, and making them payable in Britain. On the last of these subjects he observed, that it was connected originally with the error of prohibiting the remittance of fortunes from India, because these had furnished capitals to clandestine traders; but as he meant to propose that the company should be obliged to provide shipping, at a moderate rate of freight, to carry out goods to India, for all those who might choose to enter into the trade, and to bring home raw materials for the manufacturer, he considered that the fortunes of individuals would find an easy and a safe channel of remittance to Britain, and doubted not but that the experiment of extending the export and import trade would do away the temptations to engage in the clandestine trade, and would, in fact, annihilate it. In this way, said Mr. Dundas, I trust that I shall not have been found inattentive to the mercantile interests of the British nation at large, nor to those of the East-India company. I doubt not but that the plan which I have adopted, and at last arranged with the East India company, will meet with the approbation of the public. To those who have been looking to the subject, in one point of view only, and in fancy imagining to themselves the rewards of their speculations, I cannot expect to give satisfaction; but if parliament shall disappoint them in their unreasonable expectations from speculation, it will, at the same time, in preventing them from dissipating the wealth they possess, have insured to them their fortunes, and been the guardian of the patrimony of the nation. My plan is, to engraft an open trade upon the exclusive privilege of the company, and to prove by experiment, first, how far the complaints, to which I have referred, are well founded; and next, how far it is practicable to cure the evil, without injury to the public. We thus may not only prevent the commercial adventurer of England or Ireland from being borne down by the company in an hostile competition, but afford to them, in their enterprises and speculations, its fostering protection.

Mr. Dundas concluded with apologising to the House for having so long detained them upon a subject, into which commercial men or commercial economists can only be supposed to enter. But a British legislature, he said, have to reflect, that our commercial resources are immense, that whatever can preserve them, or add to them, is preserving and adding to the greatness of the empire: that in vain we shall look at the envied situation in which we are placed in Europe; in vain we shall expect permanency of respect to the British power and character among nations, removed from us nearly half the circumference of the world; that in vain we shall, at the expense of treasure and of blood, have founded and consolidated an Indian empire; in vain we shall be seeking to open the markets of China for the encouragement of the skill, the industry, and the enterprise of the British artisan, merchant, and navigator; that in vain we shall have devised a system of government, and judicial, financial, and military powers to support it—if we do not, with these efforts listen to the claims of the company, who have actively promoted the interest and greatness of their country; if we do not connect with the confidence, which we propose to place in them, encouragements suited to the claims of the respectable and numerous manufacturers, whose skill, whose wealth, and whose enterprise, have seconded and rewarded their own, and the efforts of the greatest mercantile association in the world—an association who have been supported by, and are about reciprocally to support their protectors—an association who, from their spirit of enterprise and liberality of commercial principles, are ready to forward every laudable, but regulated, enterprise of their fellow subjects. I own, that, next to the interests of my country, the prosperity of the East-India company, in the management of whose business I have had my share, claims my first public regard; and I shall feel it to be the most honourable moment of my life, if I have suggested opinions to the legislature, leading to a system of Indian affairs, for the general advantage of Great Britain.

Mr. Dundas then proposed thirty-three Resolutions for the future government of our East India possessions. The first Resolution being read; viz, "That it is the opinion of this committee, that all

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the territorial acquisitions obtained in the East-Indies, with the revenues of the same, shall remain in the possession of the East India company, during their further term in the exclusive trade, without prejudice to the claims of the public or the company; subject, nevertheless, to such superintendance and control, and to such appropriations of the territorial revenues and profits of trade, as are hereinafter specified,"

Mr. *Francis* rose. He began with saying that, although he knew that other opportunities would offer when the subject of these extraordinary propositions might be discussed with greater convenience, and especially with a more numerous attendance, than appeared at present, still he thought and felt that it would be equally inconsistent with his public duty and with his personal honour to suffer an idea to go abroad and prevail in the mind of any man, that such a speech and such a measure, as that which the right hon. gentleman had just delivered and proposed, could have been listened to by him with patience, or suffered to pass without instant contradiction. To a speech so methodised and prepared, and consisting of so many general heads and particular details, it is not to be expected that I can immediately oppose all the arguments and objections, which the subject might furnish, and which, with a pause for reflexion, I might be able to offer to the committee with greater accuracy and order. All I can do now is, to state the principle points as they occur to my recollection, adding only such short observations upon them as the topics immediately suggest to my mind; with one general preliminary declaration, in which I mean to include almost the whole of what the right hon. gentleman has stated, namely, that the measure he proposes, the principles he maintains, the facts he asserts, and the arguments with which he supports his propositions, appear to me to stand in direct opposition to truth, to reason, to policy, to experience, and to justice, and to be as dangerous in their application and effect as they are false and absurd in their conception. I do not apply this language personally to the right hon. gentleman, but to the monstrous scheme he recommends, and the astonishing reasons he assigns for it. As to himself, I am, and have been at all times, ready to do him justice, and to allow him the degree of merit that belongs to him. I wish he would furnish me with more frequent opportunities of commending his conduct. He unquestionably has the merit, and it is not an inconsiderable one, of having brought the internal state of the government of India fully and fairly before parliament, particularly that branch of it which was most involved in obscurity, and which wanted elucidation most, the revenues and expenses of our establishments there. I confess, too, that in former times he has had the credit of professing many sound principles, and declaring some prudent resolutions respecting the policy and practice of the British dominion in India. These principles and declarations, though barren and unproductive in his hands will not be useless in ours. They furnish a light, which will help us to view and examine his present conduct. On my own part I can assure the committee that, whatever my opinions may be on the subject of India affairs, they are perfectly disinterested and impartial. To me, personally, it is a question of profound indifference in what manner the government and commerce of India may be arranged and disposed of hereafter. I have neither interest nor inclination to engage in this discussion. Far otherwise. I would abandon the subject for ever, if I could. What has it been to me for many years past, but a source of altercation and enmity, of labour and vexation? But I will not consult my ease at the expense of my honour. Considering the relation, in which I have stood so long to the government of India, and the part I have acted, I cannot, without personal dishonour, submit for a moment to have it supposed possible that I could hear the things which I have heard this day without indignation, contradiction, and resistance. Before I enter farther into the subject, let me caution the committee against a material error, into which they might possibly be led, first by an evident want of distinctness in the right hon. gentleman's speech on the points I allude to, and then by their own inattention. I mean to caution them not to confound two objects, utterly distinct, and in their nature incompatible, and which nothing but an unexampled concurrence of force and fortune, united against policy and justice, could ever have brought together. These objects are, the renewal of the company's charter for an exclusive trade, and the continuance of the territorial acquisitions and revenues in the possession of the East India company. The first not only does not involve, but ought to exclude the other. It is not my

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intention to dispute the necessity or propriety of renewing the charter. On that subject I agree with the right hon. gentleman in principle, though I question his facts, and doubt about the practical effect of the operation. On the proposed continuance of the government of India in the hands of a company of merchants, I deny and protest against every thing he has said. His principles, his facts, and his arguments, are all alike, and only fit to keep company with one another. The right hon. gentleman's favourite theme to-day, the burthen of his present song, is, Why should we change, when all is well? and this is the result of all his labours and inquiries for the last twelve years, of his committees and resolutions, of his laws and instructions for the better government of India, Beware of innovations—beware of mixing theories with practice. Speculations are uncertain; experiments may be dangerous. You are in possession of a tried form of government, of which you know the effects, which, in fact, has answered all the purposes of a good one. The country flourishes, the commerce prospers, the India company are rich, and the people happy. Why should you risk the consequence of attempting to change or invade an order of things so fortunately established, and so successfully conducted?—Now what are these dreadful theories, these untried speculations, these dangerous experiments, of which the right hon. gentleman pretends to be so violently afraid? One would think that some monstrous system had been proposed to him, which politicians and statesmen had never heard of, which all the eminent writers on government had agreed to reprobate, and which, in fact, would be a novelty without example in the conduct of the East-India company's affairs. The right hon. gentleman knows as well as I do, that in every view of the subject, whether you look to principles universally acknowledged, to authorities, or to experience, the direct contrary is the truth. Is it a novelty, is it an airy speculation to affirm that a trading company is unqualified for sovereignty, is unfit to be trusted with the government of a great kingdom; that their interests in one character are incompatible with their duties in the other; that such an interest should never be united with such a power, or that the subjects of the sovereign will certainly be sacrificed to the profits of the merchant? These propositions, Sir, instead of being new, and therefore dangerous, as the right hon. gentleman would insinuate, are trite and common. They have been affirmed and maintained by every political writer, who deserves the name of an authority, and equally by theorists and statesmen, by those who have meditated and those who have acted, ever since the principles of government have been a subject of discussion among men. "Nolo eundem populum imperatorem esse et portitorem terrarum orbis." In the time of Cicero, the Romans were treating their provinces in Asia as we have treated ours. They taxed with one hand, and monopolised with the other. They demanded from their subjects an exorbitant revenue, which they made it impossible for them to pay, first, by engrossing the produce of the lands, in character of proprietor, and then by appropriating the trade and industry of the people in quality of merchant. The right hon. gentleman at one moment pretends to be anxious to guard you against the vulgar prejudices, commonly entertained against exclusive companies and commercial monopolies, while at the same time he does not think it beneath him to avail himself of the artificial cry and real panic, which have lately prevailed in this country to reprobate every thing to which the name of innovation, of theory, or experiment, could be truly or falsely applied. But would it, in fact, be an innovation to reinstate the East India company in their commercial character, and confine them to the pursuits that belong to it? They prospered while they were merchants, and they have never prospered since they have appeared in another character, and assumed another station. Why? Because they were qualified to be merchants, and utterly unqualified to be sovereigns. By the nature and principles of their institution, they were fitted for trade, and unfitted for government. But have they profited by their sovereignty? Have their territorial revenues been of any use to them in their corporate capacity? I do not believe it; on the contrary, I, for one, am convinced that all the difficulties, debts, and distresses, in which they have been involved, and the perpetual wars which at some periods have brought them to the verge of ruin, are owing to their being burthened with the possession of a territory, which it was impossible for them to manage and govern either for the benefit of the people, or for their own advantage; and that the regular

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profits of their trade, before they were connected with the internal politics of the country, were not only more secure, but greater than since they were in possession of the dewanny and sovereignty of Bengal. Their servants, it is true, as well as a multitude of other individuals, have made their fortunes out of the revenues, while the company have been involved in enormous debts, and the proprietors limited to inconsiderable dividends, though even these dividends perhaps were greater than they would have been strictly entitled to upon a true statement of their affairs and a regular balance of their accounts, that is, if their dividends had been limited by the surplus of their annual profits, after all the debts and expenses of the year were discharged. But it seems the natives of India have uniformly prospered and been made happy under the company's auspicious government; and this he asserts in the face of all the acts of parliament, which have been made within these twenty years for the better government of India. They are delighted with the liberality and good conduct of the company's servants, and could never bear the thoughts of being subject to any other dominion. The right hon. gentleman seriously tells us that it would wound their feelings too much, and possibly might occasion some dreadful convulsion among them, which might prove fatal to the British interests in India, if the natives were now to be called upon to acknowledge any other sovereign but the East India company! I can hardly persuade myself that the right hon. gentleman is in earnest, when he states these fables and fancies to the committee as sober truths and serious propositions, fit to be urged as arguments in deliberation and motives of action to the legislature of this kingdom. But, if he be in earnest, I can ease him of his fears. The natives of India know nothing of the company's government, but its effect upon themselves. They know what the wealth of their country was in former times, and how it has been disposed of. Do you think that, by the same operation, so many thousands of individuals could have been enriched in England, and no man impoverished in India? Do you believe it possible that a hundred and fifty millions of the substance of Bengal could have been extracted, as they have been in one way or other, by the company and their servants, and the people not to be the poorer for it! Lord Cornwallis tells you that there is not a man of property left in the country, except a few bankers and banians in the principal towns, and that one third of the company's territory is a jungle inhabited by wild beasts. But, alas! it would wound their feelings if they were not to continue under the government of the East India company. I know not where the right hon. gentleman has picked up this curious intelligence. When I was in Bengal I can take upon me to affirm that the natives in general had no conception of what was meant by the word company. Few of them thought of it at all, and, among these, every man had a fancy of his own. With some of them a notion prevailed that the company was an old woman locked up in a zenana. In fact, they care but little about the matter. As far, however, as they have any idea or concern upon the subject of government, their prejudices and their habits incline them to prefer the government of a single person, with the title of emperor or king, to any other. But the right hon. gentleman tells us it is too late, in May 1793, to think of entering upon so great an operation, and to engage in so many difficulties and details, as must attend the arrangement and execution of a new system, if the government were now to be transferred from the India company, and vested, where it ought to be, in his majesty's person. If the arrangement requires time, why did he not undertake the business at an earlier period? In what manner has he been employed for the last three years? Is it only now he knows, for the first time, that the company's charter will expire in April 1794? What right has he to plead his own unnecessary and criminal delays to justify his present equally criminal precipitation? If the business can be no otherwise than ill done now, why did he not begin it at a time when it might have been done properly? I, for one, do not believe that his conduct, in this instance, has really been affected either by delay or precipitation; but that, whether he acts slowly or hastily, it is upon a settled plan. But what are these wonderful difficulties he talks of? He asks us, what are we to do with the company's fortifications? What allowance are we to make for them? How are we to settle with the company for the value of their artillery, stores, and ammunition? My answer is, that, if the government of the country be transferred, the defences of the country must go along with it. They were paid for out of the territorial reve-

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nues, and the company will still have the benefit of them as long as their exclusive charter is continued. He asks us, what will you do with the company's private property in the lands? Would you subject the lands of the company to any government but their own? I do not know what property of this sort the company possesses, nor what it is he alludes to. In the only instance he mentions he has entirely mistaken the fact. The twenty-four pergunnahs, of which he conceives the company to be Zemindar, were indeed granted to them by a sunnud of one of the Nabobs; but it was an act of the grossest violence and injustice. The Proprietors never relinquished their claim, and, while I was in Bengal, they were at last reinstated in their right by a resolution of the governor-general and council, in which Mr. Hastings and I concurred. But if the contrary were true; if the company had, as he says, a private property in these or any other lands, why should that circumstance create any difficulty? They would hold them on the same terms; they would be subject to the same laws, and entitled to the same protection with all the other landholders of the country. The right hon. gentleman seems to me to look for difficulties where there are none, as all men will do whose inclination or interest will not permit them to do right. He says that great doubts have existed among the persons whom he has consulted, and among the authorities by which he wished to be guided: that it is true that gentlemen, who have served in high stations in India, have sent home a mass of information, particularly Mr. Barwell, Sir Robert Chambers, Sir John Clavering, Mr. Francis, and Mr. Hastings; that the materials and documents communicated by these gentlemen were useful and instructive, and that the best use has been made of them; but that, as to their opinions, they never agreed in any thing. With respect to Mr. Barwell and Sir Robert Chambers I can say nothing, as I never heard till now that information or opinions, on the points in question, had been transmitted home by either of those gentlemen. It is not unlikely that Mr. Hastings, if he had known Sir John Clavering's opinion and mine on any point, might have been inclined to oppose it. But that I think might have been accounted for by the particular circumstances of his situation and ours, with relation to government and the company. Abstracted from that consideration, I very much doubt whether Mr. Hastings's opinion and mine would be found to have differed materially on any of these general questions. I do not believe, that if he were now called upon for a deliberate opinion, he would affirm that the sovereignty of the territorial possessions ought to be exercised by a trading company in preference to his majesty. But of this I am certain, that general Clavering, colonel Monson, and I, never disagreed upon any fundamental question of general policy, good government, and justice; and that, in every thing we recommended home for future arrangement, we were of one and the same mind. But, supposing it were otherwise, does it follow that, because different opinions are entertained upon a case of great urgency and distress, you are to stand still, and do nothing? The case is pressing. Men of distinguished abilities and long experience recommend different courses. Therefore follow none of them. Doctors differ. Let the patient perish. This is all I can recollect from the right hon. gentleman's curious argument about differences in opinion. It was his business to select and to decide. Does he mean to confess that he is unequal to his office? The right hon. gentleman has recourse to arguments of every sort, except those which essentially belong to the subject, to engage your concurrence in the measure he recommends. To the public he promises five hundred thousand pounds a year. To the proprietors of India stock an addition of two per cent. to their dividend; to the directors a continuance in their present situation, which, however nominal in point of power, and degraded in point of honour, has still, I take for granted, some secret conveniences and charms to recommend it. The shipping interest is secured of course by the renewal of the commercial charter. One monopoly follows the other. The company's servants abroad are to have a channel provided by which they may remit their fortunes to England. In short, Sir, that no man may be dissatisfied with the right hon. gentleman's scheme, the charter of trade, which he calls exclusive, and pretends to grant to the East India company alone, is in effect laid open to any adventurer, who chooses to partake in it. All the company have to do is to provide tonnage and warehouses for the export and import trade of individuals to and from India. I do not know that the company

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will lose any thing by this participation. The trade of India, I believe, neither can be effectually engrossed, nor is it worth their keeping. But I object to the fallacy and fraud of calling it any longer an exclusive charter. The right hon. gentleman has made himself personally answerable to all the parties I have named for the specific performance of his engagements to each of them. Of his success I have many doubts; but let him perform his promises if he can. Whether they are effectuated or not, they ought to be considered, in the present deliberation, as bribes, not as arguments. The principle party of all, in this great legislative arrangement, is completely abandoned and forgotten; I mean the natives of India. He may possibly make good his promises to all the other parties, and yet not advance a single step towards the better government of India. On that subject, I do not recollect that he has said one word. He tells us indeed that it is his intention to continue the admirable system established for the administration of the three presidencies, that is, a single person with absolute power, and a non-effective council with great salaries and no authority. The name of a council, I suppose, is sufficient. You have a nominal council abroad, as you have a nominal direction at home, and with just as much capacity to advise as they have power to control. Look through the whole of the right hon. gentleman's system, and you will see that the pervading essence and principle of it is, in every instance, to divide the ostensible from the real power, and to make one of them a cloak and shelter for the other.

With respect to the renewal of the company's exclusive charter to trade to India, I have already said that I do not object to it. My doubt is, whether in effect it can be made exclusive, and whether it is even seriously intended to be what the title of the measure professes. As for the affirmative motives, which induce the right hon. gentleman to recommend a renewal of the charter, and the arguments with which he supports it, I declare I cannot at this moment recollect one of them that seemed to me to have either truth, reason, or common sense in it. First of all, the right hon. gentleman professes to be seriously and excessively alarmed himself, and to suppose that we should be so too, at the immoderate increase of influence which would be thrown into the hands of the executive power, if the patronage, inseparable from the possession of the territorial acquisitions and from the administration of the revenues of India, were directly vested in the crown. This, it seems, would indeed be a formidable source of corruption, if left to the disposal of the king's ministers, and a just occasion of jealousy to parliament. But, as long as the patronage of India stands in the name of a trading company, and is supposed to be distributed by a court of directors, all is safe. You have nothing to fear for the independence of parliament. Ministers take no share in the appointments to India. The influence of the crown is not increased. Sir, I ask you, and every man who hears me, is there any sincerity in this language? Is it a fair and honourable dealing among men? I ask the right hon. gentleman himself, where is this dangerous patronage vested at present? Will he descend from that character of frankness which his friends attribute to him, and which he professes himself —will he submit to say that it is *bonâ fide* left to the court of directors to dispose of the powerful and lucrative offices of India; that governors and councillors, that the judges and their train, that the commanders of armies, general and field officers, the chiefs of provinces, and the collectors of revenue, are really and unequivocally subject to the unbiassed nomination of the court of directors? We all know that directly the reverse is the fact, and that, in all the great and lucrative departments of government, the directors have no more real power than I have. Like other individuals, if they want a service or a favour, they must carry their solicitations to the fountain head, that is, to the right hon. gentleman himself, who pretends to be so much shocked at the thoughts of patronage, and at the suspicion of possessing it. Concerning the future arrangement of the immense standing army in India, the right hon. gentleman has not thought proper to say one word; yet, in that department alone, every man must know that the means of influence and favour are unlimited. Does he mean to separate the military from its dependence on the civil power, or to exercise this, as he does every other, through the medium of the directors? But, to cure us of all our apprehensions on the subject of influence, the right hon. gentleman resorts to a distinction which, I think, would never have occurred to any but a

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very lively imagination. He does not positively deny that, in the disposal of the great situations and offices to which I have alluded, the influence of government does not predominate, or at least take a considerable share. But this petty patronage, it seems, is not worth your notice, and ought to excite no apprehension. You have nothing to fear, it would be ridiculous to be alarmed, as long as the appointment of writers is left, as he assures you it is, at the absolute disposal of the court of directors! At the same time the right hon. gentleman is candid enough to admit, that he certainly has interest enough with the directors to obtain a writership, if he thought fit to apply for one. I do not doubt it. What I admire is the wit and pleasantry with which he exalts the importance and value of this branch of Indian patronage at the expense of the rest. All the powerful and lucrative offices of India, to which salaries and emoluments of many thousands a year are annexed, are of no moment in the question of influence, and vanish in the comparison with that important and valuable privilege, which he bountifully leaves to the directors, namely the appointment of writers! Now why it should be so extremely valuable to those gentlemen, unless they sell their nominations, I cannot comprehend. Some of them I know have been suspected of such a practice. But, in this sense, the value of the privilege is venal, and gives no influence. In my mind, the right hon. gentleman has overstated the importance of these appointments. I believe that this branch of the company's service has been greatly overloaded. You see the numbers, who return to England with fortunes; but you hear nothing and take no notice of a far greater number, who languish in India in narrow circumstances, or perish there overwhelmed with distress. The first class, I very much fear, are not to be compared with the second. The right hon. gentleman is earnest in deprecating the imputation of wishing to increase the influence of the crown. But he has some serious objections to the present constitution of the board of control. One of the original recommendations of that board was, that the business belonging to it would be performed by persons already possessed of some high and lucrative offices, but not attended with much occupation, whose time was disengaged, and who wanted no salaries for any service they could do, being already well paid for doing nothing. But things are altered since this doctrine prevailed. It has done its duty. The board is established, and now the members of it, whose services were intended to be gratuitous, must have five thousand pounds a year divided among them.

The right hon. gentleman having, in this way, secured himself against all suspicion of aiming at a dangerous influence, for himself or for government, by means of the patronage of India, proceeds to state the inconveniences, the difficulties, and the dangers, which he conceives would follow, if the trade were laid open. On this point, I desire it once more to be remembered that I am at issue with him upon his arguments, not upon his professed object. The renewal of the charter may be proper, may be necessary, or may be convenient, but not for any of the reasons which he has assigned. He asks us, would you encourage a spirit of colonization in India? Can England bear the drain of such numbers of its people as would emigrate with that view, if the trade were laid open? Would there not be a considerable probability that many of those emigrants might be tempted to quit your proper territory, and enter into the military service of native powers, and by that means prove dangerous to your own establishment? My answer is, that the first part of the danger he alludes to is imaginary; the rest is better founded, but not all provided for by the renewal of the charter. The climate of India is of itself a sufficient security against emigration of any consequence from England, for the real purpose of colonization. The real colonist can only subsist by the labours of the field, and the cultivation of the soil. Be assured that these labours will never be performed in India, by British hands. Except persons who are in office, no man goes to India, but to gather taxes, to trade, or to plunder, that is, to make a fortune as fast as he can by any means, and to bring it away with him. The abuse, against which you are bound to provide, and which can no way be restrained but by a vigorous administration on the spot, prevails at present, and, more or less, has existed at all times,—I mean the facility, which adventurers of all sorts have found, in dispersing themselves over the country, where the licentiousness of their conduct, and the mischiefs it produces, are enor-

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mous. Of persons of this description, many, I do not doubt, have engaged in the service of the native princes. There lies the danger. The abuse is real. The mischief serious. Remove them if you can. They have grown with the company's charter, and cannot be corrected by renewing it. The right hon. gentleman is vehement in asserting that, if the charter were not renewed, many essential advantages would be lost to this country and to the government, and that there is no way of securing them, but by confining the trade to an exclusive company, and vesting that company with the collection and management of the territorial revenues. He says truly, that the surplus of the revenue can no way be remitted home but by the medium of trade; and then he asks how is that remittance to be made? How is government to get their 500,000*l.* a year? How are the proprietors to get their increased dividend, if the trade be not continued to the company, in the form, and with the powers, with which it is now vested in them? My answer is, that if there be that surplus of revenue of which he proposes to avail himself, the amount of it might be paid into the company's commercial treasuries in India for bills on the company in England, and that this might be done, and every purpose of the remittance answered, just as well as it is at present, if the commerce were separated from the government, or even if the exclusive charter were not renewed. The company might still be the medium of the remittance. They would buy their cargoes with the money furnished them by government on the spot, and out of the produce of those cargoes the claims of all parties in England might be satisfied. With or without the management of the territory, with or without the monopoly, the India company might still be the channel and the instrument of this service to the public. The same answer applies to the intended increase of the dividend, recommended in favour of the proprietors, who, he says, have hitherto received but a very moderate profit, compared with the great capital engaged by them in this trade, and the risks to which they have been exposed. His words, I think, were, that "out of a revenue of 3,700,000*l.* which they brought into England, they had for their own use no more than 400,000*l.* a year, a sum hardly equal to the legal interest of their capital, considering the many risks which they ran." Here at last the truth comes out, because it suits an immediate purpose to confess it. The proprietors of India stock have not profited at all by the possession of an immense territorial revenue. I, for one, am convinced they have lost by it. The hon. gentleman says, that the directors are busily employed in forming some excellent schemes for improving and extending the export trade of England to India, by finding out new markets for the manufactures and staple commodities of this country; and that these beneficial plans would necessarily be defeated, if the exclusive trade were taken out of their hands. In the first place, Sir, I very much question the possibility of increasing our exports to India to any material amount, I mean with a rational security of finding a profitable vent for them. Except military stores, ammunition, and other implements of war, with which it is not your true policy to furnish the Indian princes, the manufactures of England can hardly be said to be saleable in India, beyond the trifling amount necessary for the consumption of Europeans. The company by their charter were compelled to send out a large quantity of broad cloth every year, and there it was left to perish in the warehouses. The select committee of directors, in one of their late reports on this subject, say that "they can give the court no pleasing intelligence; that the advices from India on this subject present a tiresome narrative of circumstances, which prevent their progress, and a profit on the sales. Too often they even state a total failure in the demand, &c. So far from the presidencies being able to augment these sales, they complain generally of an evident decrease with respect to woollens of every denomination. Large quantities have remained for years in the company's warehouses unsold." The government of Bombay repeatedly tell the directors, that they can find no purchasers, and express much uneasiness at seeing such a quantity of cloth and long ells perishing in the warehouses year after year, after striving ineffectually to procure a sale, &c. But supposing the contrary were true, and that the export trade to India were in its nature capable of being improved and extended, what reason is there to presume that this object might not be as effectually obtained by an open trade, as by an exclusive company? I fear you will find that, as long as the manufactures of India are worth bringing to Europe, you must pay

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for them in specie. The possession of the territorial revenues has made it unnecessary to send silver to Bengal; and that I take to be one of the principal advantages we have derived from it. But, on the other hand, the export of bullion to China has considerably increased. In seven years, from 1785 to 1791 inclusive, I find it stated by the committee of directors to have amounted to 4,352,021*l.*, or above 621,717*l.* a year. It is true the directors tell us that the export of silver to China is likely to decrease hereafter. It may be so. At present we have facts on one side, and estimates on the other. In another part of the same report, "the committee do not "scruple to affirm, that the most lucrative and beneficial mode of carrying on the trade with China from Europe is by the export of bullion; yet the company have anxiously seized every opportunity of introducing British manufactures and produce into China, notwithstanding they could have derived superior advantages from a different conduct." The patriotism of the present directors is sufficient to assure us, that they will be at all times ready to sacrifice the interest of the India company to that of the public. But what if unfortunately they should be succeeded by persons of a more confined way of thinking, who may possibly feel themselves bound to prefer the particular advantage of their constituents to the commercial interests of the nation at large? Now, Sir, I beg leave to ask the hon. gentleman, in my turn, whether, if every thing he urges in favour of renewing the charter were granted, is he sure that it is in his power, or in that of the legislature, to make the trade to India really and *de facto* exclusive in the hands of the company? Can he exclude Ireland from partaking in it? and would he, if he could, while he knows that the Bengal river is annually crowded with ships from America, as well as from different parts of Europe, navigating under foreign colours, but really freighted by British subjects and loaded at Calcutta with cargoes bought with their money, and to be afterwards smuggled into the British dominions? About three weeks ago, the hon. gentleman told the court of directors, cavalierly enough, but not without reason, that "he was not anxious about what their decision might be; being of opinion, that the grant of an exclusive commerce to India was not very material to the interests either of the East India company or of the public. If so, the committee perhaps may be curious to know, for what reason he now insists so vehemently on the necessity of renewing the charter. Was he in earnest in that declaration, or did he only make use of it as an artificial menace to drive the directors to his purpose?

I have given you my opinion of as many of the particulars of the hon. gentleman's propositions, as I have been able to recollect. If the plan of continuing the government of so great a territory in the hands of a trading company were real and effective, if it seriously meant what it professed, I should think it liable to the most serious and solid objections. But, when I know that directly the reverse is the fact, when I see the name of the company held up as a mask and a stalking horse to shelter the operations of a real power which skulks behind it, that this power engrosses every thing, while it pretends to take nothing, I should be afraid of using unparliamentary language, if I permitted myself to say what I think of the whole measure. I mean therefore to express myself with caution, with reserve and moderation, when I say, that it is a dangerous composition of bad principles with worse practice, of absurd theories carried into execution in the most suspicious form of fallacy and delusion from beginning to end. As an operation pretending to genius or contrivance, what is it but a poor, flat, pitiful conclusion from premises that announced aud demanded some grand measure, some capital arrangement, the result of deep inquiry and penetration, conducted with industry and enlightened by experience, and fit to be proposed by a statesman, to the legislature of a great kingdom, for the better government of another? I cannot believe it possible that this can be the plan which the right hon gentleman has had hitherto in view. If it be, I am sure that all his ostensible labours and inquiries about Indian affairs have been completely thrown away.

General *Smith* thought the right hon. secretary would have been wanting to himself, to the company, and to the country, if he had brought forward propositions of any other nature than those which he had done. He was decidedly against an open trade. So far from the company's affairs having been better before they had territorial possessions, lord Clive's successes in 1757 were the salvation of the company; for had not those successes

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happened, they would have been bankrupt. The possessions of the company were in a higher state of cultivation than those of any nabob in the country.

The resolution was agreed to. After which, the chairman reported progress, and asked leave to sit again.

Debate on Mr. Sheridan's Motion respecting Lord Auckland's Memorial to the States General.] April 25. Mr. *Sheridan* said, that the motion which he should have the honour of submitting to the House, was one that not only involved the character of the right hon. the chancellor of the exchequer and the whole of his majesty's ministers, but also the character of the British nation. It had in view the calling for an explanation of the real intent, nature, purpose, and object of the war in which we were engaged. In the course of the discussions which had taken place on the present war, on one subject there had been a concurrence of opinion, whatever difference subsisted on others—that the increasing power and ambitious views of France should be resisted and our allies protected. On the subject of the war, three different opinions had prevailed; the first thought it a war of necessity, but limited as to its objects. The second, in which he classed, thought that no administration should permit the independence of this country to be in danger from the exorbitant power of France, or the rights of our allies to be invaded; yet, thinking the security of this country, and indemnification to Holland might have been obtained by negociation, they thought the war, at the period it occurred, not necessary. A third class viewed the power of France as much less pernicious than the principles she had adopted, and abhorring the conduct of those in authority there, thought vengeance and extermination to those men and those principles were objects which this country was bound in interest and in duty to pursue. He, and those with whom he had the pleasure to agree, had endeavoured to draw from those gentlemen something like a definition of the extent to which their principles would lead them; but nothing like an explanation had been given upon that point. This day, however, he was determined to put that subject to the test, and he should maintain that ministers had abandoned the principles of the war, upon which alone they had the concurrence of the country, and the only principle they themselves were fond of professing, namely, to keep faith with our allies, to check the aggrandizement of France, and to preserve the safety of this country. If in entering upon this subject any gentleman expected that he should be brought to pledge himself in the least degree with respect to the principles or the politics of lord Auckland, or that he should be influenced by any considerations with regard to that nobleman, such gentleman would certainly be disappointed; for he must frankly declare, that personally against him, or any other person in administration, he had no ill will, but at the same time he had no hesitation in saying, that he did not respect or esteem the man; he would say no more upon that subject, because he was not present; in all, therefore, that he should say of him, he begged to be understood as speaking of his majesty's minister at the Hague. In this view, he must say, that he disapproved of every memorial that noble lord had set his name to, from the first disturbances in France, down to the signing that of the 5th of the present month, upon which the motion he should conclude with would be founded. All he was concerned in was marked by a sort of officious ostentation, which ill became the character he ought to represent. Instead of the moderate language of a minister, desirous to show that he was only an ambassador, he appeared always in the style of a viceroy, whose business it was to dictate and command. The paper with which he announced the war with France was of this haughty, arrogant style, in which he called the national assembly of France miscreants. Such language was not only improper, but, under the circumstances of the case, inexcusable; it was not the effect of an overpowering warmth, which frequently accompanied the animation of debate: they were the cool, collected words of an ambassador, who ought to have reflected that he represented the king and the people of England, both of whom, he was sure, would be ashamed of such expressions. Such expressions could answer no good purpose; neither our soldiers nor our sailors would enlist the sooner, or fight the better for it; and the people of this country ought not to be supposed to agree to use harsh words against those who had the direction of the public force of a nation, still less that they could instruct their ambassador to be a blusterer: such conduct would be

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disgraceful and ignominious. Here, to illustrate this point, Mr. Sheridan made a quotation from Vattel, who says, that nations at war ought to abstain from all harsh expressions of hatred, animosity, or contempt of each other, &c. This appeared to him to contain so good and necessary a lesson to lord Auckland, that in the next dispatches a copy of it ought to be sent him. With regard to the particular paper of the 5th of April, he objected to it not only on account of its singular indecency, but also on account of its opening and disclosing a new principle for carrying on the war; a principle hitherto in this country entirely without foundation. The first translation from the French, stated, "That some of these detestable regicides are now in such a situation, that they may be subjected to the sword of the law." But from that which was now upon the table, a new colour was attempted to be given to the sentence, by saying "liable to be subjected to the sword of the law;" this, he said, was not warranted by the original; for the plain sense of the sentence was, that these persons might be sacrificed, because they were in the hands of the Dutch. Again, the paper stated a recital of a former declaration, that his Britannic majesty and their high mightinesses would not fail to pursue the most efficacious measures to prevent the persons, who might themselves be guilty of so atrocious a crime, from finding any asylum in their respective states. To which the Dutch gave answer, that they will refuse any asylum to such persons; that they will drive them away; but not one word about putting them to death. The war was declared on the 21st of January, and there the matter rested till the 5th of April—and for what reason? Because it was not until this time the commissioners of the Convention came into custody. It was only then necessary to say, that these regicides should be subjected to the sword of the law, which was, in other words, that they should be put to death. If ministers said they gave no instructions for this, he should be perfectly satisfied, and very glad to hear it; because then the nation would be rescued, and the infamy would only fall upon the individual. The noble lord proceeded to state in his Memorial, that the divine vengeance seemed not to have been tardy. Upon this he had only to observe, that we were engaged in a war, which for our safety we had pursued, to the accomplishment of its originally avowed object; and with regard to the divine vengeance, from motives of respect, decorum, and piety, we ought to be silent. The Memorial was as follows:

MEMORIAL presented on the 5th of this month by the British and Imperial Ministers to the States General.

"Hauts et Puissans Seigneurs;—Il est connu que, vers la fin du mois de Septembre de l'année dernière, S. M. Britannique & V. H. P. ont donné de concert l'assurance solemnelle, que dans le cas, où le danger imminent qui menaçoit dès-lors les jours de L. M. très-Chrétiennes & de leur famille se réalisât, S. M. & L. H. P. ne manqueroient pas de prendre les mesures les plus efficaces, pour empêcher que les personnes qui se seroient rendues coupables d'une crime aussi atroce, ne trouvassent aucun asyle dans leurs états respectifs. Cet événement, qu'on pressentoient avec horreur, a eu lieu; & la vengeance Divine paroît ne s'être pas longtems fait attendre. Quelques-uns des ces détestables régicides sont déjà dans le cas de pouvoir être soumis au glaive de la loi. Les autres sont encore au milieu du peuple, qu'ils ont plongé dans un abîme de maux, & auquel le famine, l'anarchie, et la guerre civile préparent de nouvelles calamités. Enfin, tout ce que nous voyons arriver concourt à nous faire regarder comme prochaine la fin de ces malheureux, dont la démence & les atrocités ont pénétré d'épouvante & d'indignation tous ceux qui tiennent aux principes de religion, de morale, & d'humanité.

"En conséquence, les Soussignés soumettent au jugement éclairé & à la sagesse de Vos Hautes-Puissances, si elles ne trouveroient pas convenable d'employer tous les moyens qui sont en leur pouvoir, pour défendre l'entrée de leurs états en Europe, ou de leurs colonies à tous ceux des membres de la soidisante Convention Nationale, ou du prétendu Conseil Executif, qui ont pris part, directement ou indirectement, audit crime, & s'ils étoient découverts arrêtés de les faire livrer entre les mains de la justice pour servir de leçon & d'exemple au genre humain.

(Signé) AUCKLAND.
"LOUIS C. DE STARHEMBERG."
"*Fait à la Haye, ce 5 Avril*, 1793."

TRANSLATION.

"High and Mighty Lords;—It is known

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that towards the end of the month of September, last year, his Britannic majesty and your high mightinesses gave, in concert, a solemn assurance, that in case the imminent danger which then threatened the lives of their most Christian Majesties, and their family, should be realised, his majesty and your high mightinesses would not fail to take the most efficacious measures to prevent the persons who might render themselves guilty of so atrocious a crime from finding any asylum in your respective dominions. This event, which was foreseen with horror, has taken place, and the Divine vengeance seems not to have been tardy. *Some of these detestable regicides are already in such a situation that they may be subjected to the sword of the law.* The rest are still in the midst of a people whom they have plunged into an abyss of evils, and for whom famine, anarchy, and civil war are preparing new calamities. In short, every thing that we see happen, induces us to consider as at hand the end of these wretches, whose madness and atrocities have filled with terror and indignation all those who respect the principles of religion, morality, and humanity.

"The undersigned, therefore, submit to the enlightened judgment and wisdom of your high mightinesses, whether it would not be proper to employ all the means in your power to prohibit from entering your states in Europe, or your colonies, all those members of the self-titled National Convention, or of the pretended Executive Council, who have directly or indirectly, participated in the said crime; and if they should be discovered and arrested, to deliver them up to justice, that they may serve as a lesson and example to mankind.

(Signed) AUCKLAND.

"LOUIS C. DE STARHEMBERG.*"

"*Done at the Hague this 5th of April*, 1793."

These men were delivered up by the treachery of Dumourier, and lord Auckland recommended to the Dutch, that they might be murdered and assassinated. He wished to know if it was possible for a more horrid principle to be entertained, or one, if followed up, more likely to be attended with more horrid consequences. Could we suppose that the French would not retaliate? What, then, would result? a general massacre of all prisoners of war. The fate of those people, it seemed, was to be a lesson and example to mankind. He was sure the people of this country detested such lessons and examples. It reminded him of a proclamation recommending the extermination of America during that war, and while the noble lord (Auckland) was commissioner there, and to which there was a very sensible protest, which was supposed to be the production of a right hon. gentleman (Mr. Burke) now in the House. This was drawn up after the able speeches of Mr. Fox, Mr. Powys, and others in that House, and the dukes of Grafton and Richmond in the other, and was signed by a great number of the first persons in this country. This protest admirably explained the fatal effects of attempting the destruction or dismemberment of an empire. But to return to the paper of the 5th of April, he objected to it for a reason which was independent of the general ground he had already stated; it was that of declaring all peace with the people of France utterly unattainable, until there should be dictated, according to the desire of the combined powers, a certain form of government to France. Were we, he asked, at war with the nation of France at this moment? If the principle on which we proceeded to the war was followed, he would say that we were not at war with the nation of France. The object we professed to have in view was accomplished; and we should negociate with those who had the direction of the public force. Of what use was it for us to call their armies a banditti of robbers, and their mariners pirates? At last we must negociate with them, or go the length of destroying them altogether;—a fruitless and a vain attempt! Was it the object, or was it not, of this war, on our part, to assist the conspiracy to dictate a form of government to France, or totally to destroy the whole nation? Let the minister speak fairly out upon that subject. The people of England ought to know what were the views of the minister upon this war, and to what extent it was to be carried, that they might not be proceeding under a delusion. Supposing we had gained our original purpose, he wanted to know how peace was to be obtained, without negociation with those who

* The translation above given is the same with that originally inserted in most of the newspapers; from which the translation presented to the House of Commons differs, by substituting for the sentence printed in italics —*Some of these detestable regicides are already in the case to be liable to be subjected to the sword of the law*—and for wretches, *(malheureux)* unhappy persons.

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have the exercise of the government. If we countenanced the Memorial of lord Auckland, we should say, that the whole National Convention, all the members of the districts, in short, about eight or nine millions of people, must be put to death, before we can negociate for peace. Supposing that we were to join the conspiracy to dictate a form of government to France, he then should wish to know what sort of government it was that we were to insist on. Were we to take the form of it from that exercised by the emperor—or that of the king of Prussia—or was it to be formed by the lady who so mildly conducted the affairs of Russia—or were they all to lay their heads together, and, by the assistance of the pope, dictate a form of government to France? Were the French to have a constitution, such as the right hon. gentleman (Mr. Burke) was likely to applaud? Indeed, he feared, that this was not yet settled; and there were various specimens of what had been already thought of by different powers; there were two manifestoes of the prince of Cobourg, the one promised the form of government chosen by themselves, in which they agreed to have a monarchy; and afterwards in the course of four days, this promise was retracted in consequence of the accession of Dumourier to the confederacy—what would the right hon. gentleman (Mr. Burke) say, if they should not give the French the form of the constitution of Poland, or would he content himself with saying, they ought not to have such a constitution? He believed that neither the chancellor of the exchequer, nor any of his supporters, would say any thing at present upon that subject. It appeared, however, somewhat mysterious, perhaps, that after the congress at Antwerp, in which Great Britain was not unrepresented, the intention of the combined powers had altered, and that a much more sanguinary mode was to be pursued against France than had been before intended, and perhaps the time might come when the parties might follow the example set by the manifesto of the duke of Brunswick, and affirm that these were threats which were not intended to be carried into execution. But this was not the way to amuse us. The people of England would not long be content to remain in the dark as to the object of the war. Again he must ask, what was the object of our pursuit in conjunction with the other powers against France? Was it to restore the ancient despotism of that nation? This would please some people he knew, particularly emigrants, but nothing would be so hateful to the people of this country, or any other where there existed the least love of freedom; nor could any thing be more destructive to the tranquillity and happiness of Europe. Were we to join Dumourier in a declaration not to rest until we had put to death those detestable regicides, calling themselves philosophers, and all the miscreants who had destroyed all lawful authority in France? If we were, he would venture to say, this would be a war for a purpose entirely new in the history of mankind, and as it was called a war of vengeance, he must say, that we arrogated to ourselves a right which belonged to the Divinity, to whom alone vengeance ought to be left. If the minister said, that on our part there was no intention to interfere in the internal government of France, he must then ask what were the views of the other powers, with whom we now acted in concert against France. Was it to make a partition of France, as they did of Poland? Or should he be told, that as far as regarded the affairs of France under the present power, he was talking of none who ought to be mentioned as a people; that the sans culottes were too contemptible a race to be mentioned; he would say, he meant to ask what was to become of the whole nation of France? If he was told that it was impossible for the crowned heads, acting in concert upon this great occasion, to have any but just and honourable views, he would answer, that the subject was of too much magnitude to be allowed to pass in such a manner, and in his suspicions he was justified by the example, and fortified by the observation of an hon. gentleman (Mr. Jenkinson) with respect to the father of the present emperor, that no man ought to take his word for one hour. No material alteration, he believed, had taken place in the views of that court since the death of that prince, nor of others in the present confederacy. Were we to forget that the king of Prussia encouraged the Brabanters to revolt, and then left them to their fate? Were we to forget the recent conduct with respect to Poland? Were we to forget the taking of Dantzic and Thorn? Indeed, he thought, that those who every day told us in pompous language of the necessity there was for kings, and of the service they did to the

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cause of humanity, should at least have spared the public the pain of thinking of these subjects, by not entering into the views of that unnatural confederacy. Indeed, it was impossible for him to dismiss the consideration of Poland, without adverting to an eloquent passage in the work of a right hon. gentleman, who was an enthusiastic admirer of the late revolution there. [Here Mr. Sheridan quoted a passage respecting Poland from Mr. Burke's Appeal from the Old to the New Whigs.]

With respect to the future views of the different powers, they might best be conjectured by what had already happened. The empress of Russia, upon the sincerity of whose motives, and integrity of whose actions, there could be no doubt, previous to the attack on Poland, among other things in her manifesto, said by her minister—"From these considerations, her imperial majesty, my most gracious mistress, as well to indemnify herself for her many losses, as for the future safety of her empire and the Polish dominions, and for the cutting off at once, for ever, all future disturbances and frequent changes of government, has been pleased now to take under her sway, and to unite for ever to her empire, the following tracts of land, with all their inhabitants." This was the language by which the confederates were to justify, perhaps, the future taking under their sway, and uniting for ever to their empire, part of the dominions of France. We had heard much of the abominable system of affiliation adopted by the French; but this was a Russian impartial affiliation, and no doubt the confederate powers approved of it. In like manner will they affiliate all France, if they can. So will they England, when they have it in their power; and he was sorry to say, that if we joined in that infamous confederacy, and the people agreed to it, England would deserve to be so treated. The empress then proceeded to state what she expected for the favour she had conferred—"her imperial majesty expects from the gratitude of her new subjects, that they, being placed by her bounty on an equality with Russians, shall, in return, transfer their love of their former country to the new one, and live in future attached to so great and generous an empress." On an equality with Russians! This was a glorious equality—liable to be sent to Siberia with other Russian slaves. For this mighty favour they were to transfer the whole love they had for their native country, to Russia, their new and happy land; for the same minister of this equitable and generous empress proceeded to say, "I therefore now inform every person, from the highest to the lowest, that, within one month, they must take the oath of allegiance before the witnesses whom I shall appoint; and if any of the gentlemen, or other ranks possessing real or immoveable property, regardless of their own interest, should refuse to take the oath prescribed, three months are allowed for the sale of their immoveables, and their free departure over the borders; after the expiration of which term, all their remaining property shall be confiscated to the crown." Really, after such specimens, one would have supposed, but for the well-known character of the council of these confederate powers, they were actuated by madness, or they would not thus think of insulting the feelings of human nature. But this was not all; mere gratitude was not enough—an oath, it seemed, must be taken, for—"The clergy, both high and low, as pastors of their flocks, are expected to set the example in taking the oath; and in the daily service in their churches, they must pray for her imperial majesty, for her successor the great duke Paul Petrovitz, and for all the imperial family, according to the formula which shall be given them." Here, again, there was evidence of a great and good mind; for this pious empress was determined, that perjury should be very general in her dominions, and that the example should be set by the clergy!—Mr. Sheridan then proceeded to take notice of the conduct of the great and good king of Prussia with respect to Dantzic, as specified in what he called his reasons for taking possession of part of Poland with his military forces.

Now, after this, he wished to know whether any robbery that had been committed by the most desperate of the French, or whether any of their acts, were more infamous than this? Of what consequence was it to any one whether he was plundered by a man with a white feather in his hat, or by one with a night cap on his head? If there could be any difference, the solemnity with which the thing was done was an aggravation of the insult. The poorer sort of the French could plead distress, and could also say that they had endured the hardships of a winter campaign. But

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here was nothing but a naked robbery, without any part taken in the calamity which gave birth to it. Crowned heads, he thought, were at present led by some fatal infatuation to degrade themselves and injure mankind. But some it seemed regarded any atrocity in monarchs, as if it had lost its nature by not being committed by low and vulgar agents. A head with a crown, and a head with a nightcap, totally altered the moral quality of actions; robbery was no longer robbery; and death, inflicted by a hand wielding a pike or swaying a scepter, was branded as murder or regarded as innocent. This was a fatal principle to mankind, and monstrous in the extreme. He had lamented early the change of political sentiments in this country which indisposed Englishmen to the cause of liberty. The worst part of the revolution in France was, that they had disgraced the cause they pretended to support. However, none would deny that it was highly expedient to know the extent of our alliance with powers who had acted so recently in the manner he had represented, and to have the object of our pursuit in this war distinctly known. The minister might perhaps in future come down to the House and say he was sorry, but it had become highly necessary to interfere with the power of Britain farther, as the crowned ladies and gentlemen of Europe could not agree about the partition of France, or that such a disposition was about to take place, that we should be worse off than if we had let France remain as she was. Those who feared the attachment of men to French principles, argued wrong; from the effect of the experiment they would never be popular; nothing but crimes and misery was the result of all the accounts from that country. If the peasant had been represented happy and contented, dancing in his vineyard, surrounded with a prosperous and innocent family—If such accounts had come, their principles would have been gladly received; at present we heard of nothing but want and carnage—very unattracting indeed. More danger, he thought, arose from a blind attachment to power, which gained security from the many evils abounding in France. On the same principle that Prussia divided Poland, he contended, they might act here. They declared a prevalence of French principles existed in Poland: his majesty's proclamation asserted the same here, and was therefore, in this sense, an invitation to come and take care of us. Could such despots love the free constitution of this country? On the contrary, he was persuaded that, upon the very same principle that poland was divided, and Dantzic and Thorn subjugated, England herself might be made an object for the same fate, as soon as it became convenient to the confederates to make the experiment. But supposing that this country had nothing to dread in that respect, and that all Europe had nothing to look to but the extermination of French principles, how would the present prospect of our success then appear? Could we entertain so vain a hope, that the French, who had all the winter been lying in the snow some times, and wading up to their necks in water at others, in an enemy's country, fighting for their principles, would in their own, submit to give them up in a mild season? It was upon these grounds he asked what were the lengths to which ministers intended we should go on with the present war. From all the circumstances of the Memorial presented by lord Auckland to the States-general, and the dispositions of our allies, as indicated by their late conduct, it behoved this country to come to a distinct understanding on the subject of the nature of our alliances, and the objects of the war. This, he thought, would best be obtained by proposing a solemn disavowal and reprobation of the views and dispositions indicated in the Memorial, and a condemnation of that paper. After ten years peace, we had not reached our peace establishment, and our revenue had never exceeded seventeen millions. A deficiency in our revenue must now be expected, and he had heard that it was already perceptible to a prodigious extent. He concluded with moving,

"That an humble Address be presented to his majesty, to express to his majesty the displeasure of this House at a certain Memorial, dated the 5th of April, 1793, presented to the States-general of the United Provinces, signed by the right hon. lord Auckland, his majesty's minister at the Hague, the said Memorial containing a declaration of the following tenor: 'Some of these detestable regicides,' (meaning by this expression the commissioners of the National Convention of France delivered to prince de Cobourg by general Dumourier) 'are now in such a situation that 'they can be subjected to the sword of the 'law. The rest are still in the midst of a 'people whom they have plunged into an

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'abyss of evils, and for whom famine, 'anarchy, and civil war, are about to pre-'pare new calamities. In short, every 'thing that we see happen induces us to 'consider as not far distant the end of 'these wretches, whose madness and atro-'cities have filled with horror and indig-'nation all those who respect the principles 'of religion, morality, and humanity,' and concluding with the following words:

'The undersigned therefore submit to 'the enlightened judgment and wisdom of 'your high mightinesses, whether it would 'not be proper to employ all the means in 'your power to prohibit from entering your 'dominions in Europe, or your colonies, 'all those members of the assembly styling 'itself the National Convention, or of the 'pretended Executive Council, who were 'directly or indirectly concerned in the 'said crime; and if they should be dis-'covered and arrested, to deliver them up 'to justice, that they may serve as a lesson 'and example to mankind:'

"To acquaint his majesty with the sense of this House, that the said minister, in making this declaration, has departed from the principles upon which this House was induced to concur in the measures necessary for the support of the war in which the British nation is at present unfortunately engaged, and has announced an intention, on the part of great Britain, inconsistent with the repeated assurances given by his majesty, that he would not interfere in the internal affairs of France; and for which declaration this House cannot easily be brought to believe that the said minister derived any authority from his majesty's instructions:

"Humbly to beseech his majesty, that so much of the said Memorial as contains the declaration above recited may be publicly disavowed by his majesty, as containing matter inconsistent with the wisdom and humanity which at all times have distinguished the British nation, and derogatory to the dignity of the crown of this realm, by avowing an intention to interpose in the internal affairs of France, which his majesty has in so many positive declarations disclaimed, and mingling purposes of vengeance with those objects of defence and security to ourselves and our allies, which his majesty's ministers have professed to be the sole object of the present war.

"To represent to his majesty, that this House has already expressed its abhorrence of the act alluded to in the above declaration; and that, as neither this, nor any other foreign state, can claim any cognizance or jurisdiction respecting that act, the only tendency of menaces against the persons concerned in the perpetration of it is to reduce this country to the ruinous alternative of carrying on war for the subversion of the present government of France, or of obtaining peace by an ignominious negociation with the very government whom we have insulted and stigmatized:

"That these threats must tend to give to the hostilities, with which Europe is now afflicted, a peculiar barbarism and ferocity, by provoking and reviving a system of retaliation and bloodshed, which the experience of its destructive tendency, as well as a sense of honour, humanity, and religion, have combined to banish from the practice of civilized war:

"And finally to represent to his majesty how deeply the reputation of his majesty's councils is interested in disclaiming these unjustifiable, and, we trust, unauthorized denunciations of vengeance, so destructive of all respect for the consistency, and of all confidence in the sincerity of the public acts of his ministers, and so manifestly tending at once to render the principle of the war unjust, the conduct of hostilities barbarous, and the attainment of honourable peace hopeless."

Mr. *Pitt* said, that when he compared the notice which had been given by the hon. gentleman with the speech he had just made in support of it, he was assured he must show great disrespect to his known talents, when he declared his astonishment that his promised motion for a removal, and afterwards for an impeachment of lord Auckland, was only an invective against the empress of Russia, the king of Prussia, and the Emperor; and when he came to speak, very shortly, on the real question, he made a direct attack on his majesty and the government of this country, on that House, on parliament, and on the sentiments of the nation at large. The hon. gentleman objected to the Memorial, because it amounted to a departure from the principles on which the war was commenced, and contended, from the words of the Memorial, that this must either be a war of extermination, or that we must submit to a dishonourable peace. Now, was there one word in the Memorial that conveyed a wish that the war should be carried on till all those who had any concern in the execution of the most Christian

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king, should be brought to punishment? No; there was not. That there should be made an example, if possible, of those who were guilty of that horrid act, he believed to be the sincere wish of all good men. But they did not engage in the war with that object. Why? Because they were not called upon to execute justice against them; and because it was not politic to enter into war for vengeance, on account of crimes which were not committed in this country. But, although this was not the professed object of the war, they were not to abate in their vigilance for the safety of mankind. And as this was one of the most horrid crimes, it ought to be made a singular example of vindictive justice: so that even distant ages might feel when they reflected on this horrid act. That House had agreed to afford no assistance, no protection to those who should be guilty of it; and this was done before they were at war with France, even before they knew they should be at war with that nation: and if they happened to be at war with France for other causes, was it less proper to express their just indignation, which they might have done in time of peace, against a transaction which had excited the detestation and abhorrence of all Europe? Gentlemen were continually adverting to the causes of their entering into war, and considering what degree of provocation had been given on the part of France —what resentment and outrage committed against ourselves, should or should not induce this country to commence a war against France. But while they were discussing that principle, the circumstance that arose was, that France had declared war against this country. He conceived this country was justly entitled to proceed on the war against France, to repel her unjust attacks, and, if possible, to chastise and to punish her, and to obtain indemnification for the past, and security for the future. These were the principles on which they engaged in the war. These were the principles they must look to in carrying it on, and which they must keep in view at its conclusion. What was there in this memorial that had varied the cause of the war, or affected the conclusion of the peace? Gentlemen said, we could not treat with those whom we had branded with opprobrious epithets. If that was matter of charge against lord Auckland, it was also a charge against that House, and against every man who had concurred with that declaration, from which no man could withhold his consent whose mind was not devoid of every sentiment of justice, humanity, and religion. Would any man say that the act of delivering up to justice any of the regicides of France carried a stronger reproach than the language contained in every message from the crown, and in every address which had taken place on this subject? It would be matter of sincere lamentation if those who had been guilty of that act remained in possession of the supreme authority. But they were not pledged by that Memorial to more than they were by their own determinations. The Memorial did not state that we must give up to justice eight or nine millions of persons who might have been either directly or indirectly consenting to the execution of the king.— He next came to consider what the meaning of that paper was upon which the hon. gentleman was to support a criminatory accusation against lord Auckland. The hon. gentleman was extremely minute and critical on the translation of a particular sentence of this memorial. He thought it would not be very just, on the dry construction of a sentence, to vote for the removal of the noble lord, and secondly, to impeach him. The noble lord had rendered the most essential services both to his own country and to our allies. The hon. gentleman, by cavilling about the words of a translation, contended, that the commissioners were to be delivered up to instant justice. It was observed in the Memorial, that some of those who were concerned in the death of the king, were now in a situation in which they might be brought under the sword of the law; and then the hon. gentleman's innuendo was, that this meant the five commissioners who were sent to Maestricht. It did not appear that they were in the custody of the Dutch, nor was it likely that they would ever be in their custody. But in consequence of the conduct and promises of M. Dumourier, it was very generally believed that a counter-revolution would soon take place in France and that it was natural that some of those who now exercised the supreme authority might be obliged to fly into this country, and that we ought to deliver them up to justice. The natural sense of this Memorial was, that lord Auckland thought that some of those persons who were guilty of the murder of the late king might soon be in a situation, if there was a counter-revo-

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lution established and tribunals of justice erected, to be brought before such tribunals. He did not mean that either the Dutch or the Austrians were to punish the French regicides. What was there in this that was contrary to the laws of humanity, and to the established principles of the law of nations? Who would retract the principles upon which such a proceeding was founded? In the case of a crime so extensive in its consequences, as well as so detestable in its nature, it was the duty of indifferent nations to make themselves ministerial in endeavouring to deliver up the culprits to a competent tribunal. He believed there were some crimes in which we ourselves had gone to the extent of requiring that the guilty should be delivered up. This had been done in the case of forgery, as well of other crimes, though he believed it was no part of the law of this country to deliver up criminals. In the days of our penitence in this country a memorable fact took place, which had some similarity to the present subject. They were then condemning an ambassador of England for having suggested the idea to the Dutch, that they should deliver up to justice all French regicides that were found in their dominions. There was a time when an English ambassador applied to the states-general, and applied with effect, to deliver up some regicides. To this country they were brought; in this country they were tried, and in this country they were executed. It was admitted on all hands, that the atrocities at Paris demanded reprobation and abhorrence. And was it then criminal in lord Auckland to express with warmth that which the parliament of Great Britain had expressed before? His lordship might in his zeal have over-calculated the rapidity of the progress of justice: but he took his instructions from the repeated acts of the crown and of parliament. It would be duplicity therefore in the House, to imply a censure of his lordship's disapprobation of an act which, while the affair was fresh in men's minds, none were bold enough to mention without abhorrence, if they were obdurate enough to conceive it—Hitherto, Mr. Pitt said, he had taken up the question on general grounds; but there were also particular principles of some weight. It was the feeling of every man, that absent people were entitled to protection, those who were absent in the service of their country more particularly so; but if in addition to that protection the House had every reason to believe that to lord Auckland the country was much indebted, he would call not for favour, but for their warm disapprobation when injustice was offered to him. He declared, that he was at a loss to conceive to what end, for what purpose, or from what motive, the present motion was brought forward. Was it personal animosity? It could not be—that had been disclaimed. Was it that the hon. gentleman had treasured up the spleen of seven years, to bring it forth upon a proper occasion? Impossible. Was it that considering the services of his lordship abroad, which the hon. gentleman was strenuously opposing at home, generosity, or the memory of former friendship, had urged him to bring on a motion which tended to do his lordship the greatest honour? Such deep-studied designs he could hardly attribute to the hon. gentleman.—He confessed, if he was puzzled to find a cause for the motion, he was no less surprised to find, that, whether the hon. gentleman had, since the last day when he declined the combat, found his first position untenable, or from what other cause he could not tell, he had entirely abandoned his meditated attack upon lord Auckland, and turned it upon the princes of Europe: for his motion, without applying at all to the question before the House, or pointing out any specific means of terminating the war, went to disarm the country, and refuse a co-operation with forces necessary to our safety, because some of those forces were directed to another part with which Great Britain had neither bond, connexion, nor interest.—Mr. Pitt declared, that in his mind measures of ambition were as odious in a crowned head, as in a republican. But should we, because a partition was made of Poland, abate that resistance without which we must fall a prey to the destruction levelled at all Europe, and particularly at Great Britain? When the hon. gentleman reprobated the empress of Russia's principles, and expressed his detestation of them, he could not mean that we should be so impolitic as to refuse her assistance in a great and urgent cause. With regard to the partition of Poland, no man could hear it without the greatest detestation. The present partition was not less odious than the preceding; and he believed that this House and the nation felt the same sentiments on the subject. When we seriously surveyed these deplorable transactions, it became us, as a

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wise people, to watch with vigilance our liberty, to conciliate affection, and to enforce esteem. The present war he hoped would restore the peace of France. The peace of France he believed would restore the peace of Europe; but a concurrence with this motion would neither produce peace at home, nor respect or security abroad. He must therefore resist it, as founded in injustice and ingratitude.

Mr. *Fox* said, that with respect to the motives and feelings which the right hon. gentleman had taken the trouble of imagining for his hon. friend in making this motion, his hon. friend could have but one motive, his sense of public duty; and the noble lord, whose conduct was the cause of it, could excite no feeling but that of the most placid and tranquil nature. The right hon. gentleman had defended the Memorial on the ground of its meaning nothing at all; but he had not ventured to say that it had no reference to the commissioners of the French Convention put into the hands of the Austrians by Dumourier, on the hopes entertained of Dumourier's plan. The Memorial said, that these commissioners were in a situation to be subjected to the sword of the law:—to what sword—of what law? To the sword of any law which those to whom they were delivered, not as prisoners, but hostages, might frame for their execution? If it meant to the sword of some law to be revived or established in France, why was not that qualification inserted in it? Lord Auckland's communication to the States General in September had never received the sanction of the House, and therefore the House would be guilty of no inconsistency in condemning it. The purport of that communication was simply, that if any act, then generally apprehended and universally deprecated, should be committed, the perpetrators of it would not be sheltered from the laws of their country in his majesty's dominions. But what did my lord Auckland? He, not as a measure of prevention, not as a warning to deter, but on a principle of vengeance, obviously tending to provoke retaliation, and, in the very first instance, to endanger the lives of the survivors of the royal family of France, suggested to subject to the sword of the law persons given as hostages for their safety. What was the motive of his hon. friend in moving to censure this conduct? To obtain the reprobation of the House against making the war more bloody, and the contest more cruel. If the conduct of the French to Frenchmen had excited abhorrence, if they had shown a disposition unjustly and wantonly to shed blood, now was the time for the House to show detestation of their disposition and their practice, by expressing their detestation of this Memorial. Another motive for his hon. friend's motion was, to obtain a clear and explicit declaration of the object of the war. The right hon. gentleman had said, that this was wholly unconnected with the internal government of France; but at the same time he expressed a wish that, in making peace, we might not have to treat with those persons who now exercised the powers of government in that country. The real object, according to the right hon. gentleman, was to obtain an indemnification for their unjust aggression, and security for the peace of Europe in future. From this he learned, that indemnification and security might, in the contemplation of the right hon. gentleman, be gained from those 'malheureux,' whether wretches or unhappy persons; for to drive them from the government was not an object, but a wish. With whom, then, when the hour of negociation came, might we have to treat? With those very men whom, in our Memorials and public acts, we were now stigmatising with every vilifying and opprobrious epithet. Hard words he had always thought imprudent; more especially when applied to persons of whom it was possible we might afterwards have occasion to speak in very different terms. With those very persons the right hon. gentleman had treated through M. Chauvelin, and had boasted of sending instructions to lord Auckland to treat with them, even after the murder of the king. Would the right hon. gentleman now refuse to treat with them, if an occasion, consistent witn the avowed object of the war, should offer? No such declaration would he venture to make. Lord Auckland, then, if he should be continued in his present situation, might be, from local circumstances, the most convenient person to employ to treat with them. But, what would the Frenchman say? Supposing him to forget all the hard words, all the odious terms formerly applied to him, he would very naturally say, what! treat with lord Auckland? No; he has declared he will hang me if he can catch me, and therefore I will not put myself in his power. The answer to all this was, that the paper was only the

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too sanguine effusion of imaginary success, and meant only, that when a tribunal should be established in France, agreeably to the fancy of the combined powers, the members of the Convention and the Executive Council would be subjected to the sword of the law—the Memorial ought to have said so; for it was giving but little encouragement to those now in the exercise of government in France to think of negociation, to tell them that to get hold of them, or there agents, and to hang them, was one and the same thing, His hon. friend had introduced the conduct of Russia, Prussia, and the emperor, which the right hon. gentleman has treated as having no connexion with the subject. Was it, indeed, so immaterial? If we were engaged in a war on the usual principles of war, the cause ascertained and the object definite, we might indeed avail ourselves of the assistance of powers for the attainment of that object, whose views were very different from our own. But if, as the Memorial implied, we were at war with persons, not with the nation, and had thrown away the scabbard, it was of great importance to consider whether or not their object was the same as ours; whether, while our aim was reparation and security, theirs was not aggrandizement; whether, while we sought only to remove certain persons from the government of France, they did not look to the partition? Of crowned heads it was always his practice to speak with respect; but the actions of their cabinets were fair matter of discussion. Under this qualification he had no difficulty in saying, that the late conduct of Russia and Prussia was ten thousand times more reprehensible than any part of the conduct of France towards other nations. Of the former partition of Poland he had never spoken but in terms of reprobation; but the present was more odious than the former, inasmuch as it was marked by the most flagrant breach of faith, and violation of the most solemn declarations. Prussia, it was notorious, had encouraged the revolution in Poland, and expressed the most decided approbation of seating the family of Saxony on the hereditary throne. That very revolution was now made the pretext for entering Poland, and forcibly seizing on Dantzic and Thorn. Russia entered Poland, declaring that her only object was to restore the republic which the revolution had subverted; and having gained possession of the country, in contempt of all her former declarations, she proceeded to divide it with Prussia and the emperor. Strong, however, as was his reprobation of such conduct, he had never said that we ought on that account to reject a useful alliance with either of those powers; but that while we professed to be fighting against one species of tyranny, we ought to be careful not to set up another tyranny more dangerous. What was the answer to this? Declamation against the horrid tendency of French principles, the subversion of all order, and the introduction of anarchy. When we argued against principles, let us not confine our view to the mischief they might occasion, but consider also the probability of their being established. Were three or four maniacs to escape from Bedlam, and take possession of a house, the mischief they would do in it would probably be much greater than that of as many robbers: but people knew the improbability of their getting into that situation, and very properly guarded their houses, not against madmen from Bedlam, but against robbers. Just so was it with the probability of French principles gaining the ascendancy. Anarchy, if it could be introduced into other nations, was in its nature temporary—despotism, we knew, by sad experience, to be lasting; the present emperor was but little tried: but if, as generally happened, the systems of cabinets were more to be attended to than the characters of princes, we had seen the cabinet of Vienna repeatedly promising to the Austrian Netherlands the restoration of their ancient constitution, and as often refusing to fulfil its promise; we had seen the late emperor promise that restoration under our guarantee as the price of their return to allegiance; we had seen him refuse it when he again got possession; we had seen lord Auckland protest against the refusal, and afterwards most shamefully accede to it; and we had seen the governors of the Netherlands making their escape by one gate, while the French were entering at another, declare the restoration of that constitution; as if the moment when they were compelled to resign possession, was the only fit moment for restoring the rights of those whom they were sent to govern. If in all this there were any symptoms of good faith to give us confidence, the prince of Saxe Cobourg's proclamations were sufficient to destroy it all. In the conduct of the three courts, we should find all the crimes of France towards other nations

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committed in a more unjustifiable manner. But the right hon. gentleman said, these were only topics to induce us to refuse the assistance of those courts. If the object of the war were distinct, we might, indeed, accept of their assistance with safety: but, while all was doubt and uncertainty, how could we pretend to know what were their views, or what they expected as the price of their assistance? We were now acting in concert with the dividers of Poland. We ourselves were the dividers of Poland; for, while we were courting them to aid us in a war against French principles, we furnished them with the pretext, and afforded them the opportunity of dividing Poland. We were the guarantees of Dantzic, of which Prussia, our ally, had taken possession. Did we not say, when the French attempted to open the Scheldt, that we were the guarantees of the exclusive navigation of the Scheldt to the Dutch?

——mutato nomine, de te
Fabula narratur.

Prussia was the other guarantee; but regarded guarantees as little as the French, when Dantzic and Thorn were to be annexed to his territories. What was this but teaching the people that the professions of courts were mere delusions—that the pretext for the war was the danger from French power and French principles, but the cause, to gratify the ambition of other powers? How were we ever to make peace, when we were not agreed upon the terms with those who assisted us in the war? Regard for the christian religion was one of the reasons alleged for dividing Poland; regard for the christian religion might be alleged for dividing France. He did not understand that we paid any subsidies, and in one point of view he was sorry for it. We should then understand for what we had engaged. As the case stood at present, how did we know what Prussia or the emperor might require of us? As Russia had taken part of Poland, might not the emperor take a fancy to Bavaria and the Palatinate? And thus the difficulties of making peace become greater than those of carrying on the war? Add to this, that if rumour or regard to ancient policy could be trusted, Spain would not consent to the dismemberment of France. Mr. Fox said he was the more strongly convinced of the observation he had made upon a former occasion, that in all these quarrels there was a material difference between the *ratio suasoria* and the *ratio justifica*, which were alternately to be substituted, the one for the other, as called for. If, as he feared, this war was undertaken against principles, let us look to the conduct of Germany, Russia, and Prussia, and, if the spirit of chivalry was so alive amongst us, see if there were no giants, no monsters, no principles, against which we had better turn our arms. For his part, he had no hesitation in saying, that though France had unhappily afforded many instances of atrocity, yet the invasion of last year, and which our present conduct seemed to justify, was the most gross violation of every thing sacred which could exist between nation and nation, as striking at the root of the right which each must ever possess of internal legislation. The mode of getting out of this situation was by agreeing to the address, censuring lord Auckland, and thus convincing the other powers of Europe that we would not be parties to their plans for dividing kingdoms. It was indeed, matter of great doubt, whether or not peace for Europe could now be obtained for any great length of time. The encouragement we had given to the robbery of Poland might be expected to inflame the passions of avarice and ambition. There was, however, one nation, Spain, which had a common interest with us, and with which he wished to see a cordial union against the dangerous aggrandisement of the imperial courts and Prussia. All our victories in the present war had been obtained by their arms exclusively, and every victory gave fresh cause of jealousy. To agree to the address would have another good effect. It would satisfy the people, that the reason for the war and the pretext were the same; and that there was not one language for the House of Commons and another for the Hague. Upon these grounds, he conceived the country under great obligations to his hon. friend for bringing forward the present motion, as tending to call forth from the minister a repetition of those causes and objects to which the nation had a right to look up for the commencement and continuance of the war.

Mr. *Curwen* contended, that the object of the motion was completely gained; that lord Auckland's Memorial had been in substance disavowed by the minister; and the old ground of the war again brought forward. He therefore wished Mr. Sheridan would not divide the House.

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Mr. *Sheridan* said, it was indifferent to him whether the House divided or not. He certainly considered the main object he had in view as completely gained in the minister's explicit disavowal of the principles attempted to be introduced into the war by lord Auckland, which must have made peace impossible.

Mr. *Whitmore* insisted that the House should divide, because he had no faith in the profession of ministers.

The House divided:

TELLERS.

YEAS	Mr. Sheridan - - - Mr. Grey - - - - -	36
NOES	Mr. Aldworth Neville Mr. Jenkinson - - -	211

So it passed in the negative.

Debate in the Lords on the Traitorous Correspondence Bill.] April 15. This bill having been read a second time,

Lord *Grenville* said, that the bill had three objects; to prevent France from receiving supplies of naval, military, and other stores; to prevent the people of this country from furnishing the French with money for carrying on the war, by purchasing the confiscated estates in France; and to prohibit the insurance of French ships and property by British subjects. For the attainment of those objects the bill had been framed; and the penalty of high treason was to be attached to the breach of some of the clauses, and other punishments were to follow the breach of the others. The legislature, in declaring certain acts to be criminal, was not always influenced by the moral turpitude of the deeds, but by the sense of the injury which society might sustain from them. An act of moral turpitude might affect only an individual, and therefore the legislature did not think it, as such, a crime to be punished with the utmost rigour of the law; but an attempt to overturn the constitution of a country, involving in it the peace and happiness, of every being of the community, was considered as the highest crime against the state, and therefore punished in the most rigorous manner: such a crime was called high treason; and the penalties attached to high treason were from time to time enacted against deeds, which though not in themselves immoral had a tendency to injure, if not destroy the community. His lordship said, there was great danger in any loose or general construction of this act: our ancestors had taken great pains to define and ascertain it; and the 25th Edw. 3d had, in a very particular manner, restricted its sense and construction. His lordship observed, that it was the duty of parliament to make laws against treason; and that on no former occasion, in a war with France, was there a necessity for the same provisions in any bill as at present. It was not for an island that we were contending; it was for our constitution, our liberty, and our existence as a nation. To buy lands in France was not in itself an immoral act; but as to buy lands there, under the present circumstances, would furnish the French with the means of carrying on the war against Great Britain, it was a duty which the legislature owed to the public, to make it penal for any subject of this country to lay out his money in a way which might be highly injurious to the interests of this community. Land was the only property on which France depended. It was necessary to prevent the purchases of such property; no nation but England could afford to make these purchases to any large amount, as they alone possessed a capital that enabled her to make speculations of every kind. The people exercising the government of France had hitherto found resources only in public robbery; this was a hard term, but it was a just one; first they raised supplies out of the robbery of the crown lands; next out of the robbery of the church lands; and both these resources being at length exhausted, they were now endeavouring to provide for the exigencies of the state, by robbing their emigrant brethren, first driving by their tyranny those unfortunate men into exile, and then confiscating their estates, solely because they were exiles, and leaving them only the melancholy alternative of being murdered if they did not emigrate, or of losing their fortunes if they did: so that in either case their lot was deplorable. It did not become Englishmen to be the purchasers of estates so acquired by the present French government, because it did not become them to participate in an infamous robbery: and therefore it was fit that the legislature should prohibit such a participation under the penalty of high treason. To the same principle might be referred the prohibition of insurance, for sound policy, which justified the clause against the purchase of lands in France, equally justified the

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clause for prohibiting insurance. And although great respect was due to the late lord Mansfield's opinion, yet many very forcible reasons might be adduced for differing from his lordship; and that of betraying our affairs to the enemy, for which such a measure was calculated, was a very important consideration. The not permitting the subjects of his majesty to go or return from France without any restriction, he considered as a necessary prerogative of the crown. His majesty, however, had not thought fit to exercise it, but had left it to the House to take measures for its regulation. His lordship then moved, "That the bill be committed."

The Earl of *Guilford* said, that if the bill only went to prevent traitorous correspondence with the enemy, or the giving them aid or assistance, it should have had his hearty support; but when he found it a compound of political absurdities, extending to an alarming degree the law of treason, while at the same time it deprived persons accused of those benefits in their trial, which the justice and mercy of the legislature had allowed in all cases of treason; when he found it contain, besides these, a variety of the most dangerous and unconstitutional provisions, he found himself called upon to oppose it. With respect to the first clause, it had been said, that all the acts specified in that clause are already treason, and that the taking off from these the corruption of blood, upon conviction, was an act of tenderness. But what sort of tenderness was this, when, upon the pretence of facilitating conviction, a prisoner was deprived of all the guards which the law had wisely afforded for the protection of innocence, in all cases of accusation for treason? Great, however, as he thought this objection to the bill, there was another part of it still more objectionable, and which set at defiance all ideas of criminal law; for as, in the part just alluded to, the punishment had been lessened in order to facilitate conviction, a punishment of the most unparalleled severity had started up in another part, where the purchase of a French mortgage was placed in the same situation with an attack upon the life of the king. The agreeing to do any of the acts prohibited in the first and second clauses, even by a verbal agreement was punishable in the same manner with the act itself, and that verbal agreement might be proved by one witness. What an inlet was this to perjury! How unjust to leave the lives of men to be affected by evidence, which would not be received in a civil case to the extent of 10*l*.

The Earl of *Kinnoul* approved of the principle of the bill, but opposed the insurance clause, and rested much on the authority of lord Mansfield in 1747.

The Duke of *Norfolk* said, he could see no greater danger in this war than in former wars in which this country had been engaged with France; and he saw, therefore, no occasion for any extension of the treason laws. Admitting even that France wished at present to disseminate her principles here, and to overthrow our constitution, which he hardly believed, still the present war did not seem to him more dangerous than our wars with France in the reign of Louis 14th, and at other periods. Seeing then, no necessity for any extension of the law of treason, he must oppose the principle of the bill.

Lord *Hawkesbury* began by observing on the danger to this country from the endeavours of France to disseminate here her detestable principles; for dangerous it must be, when a great nation like France was using every art to destroy not monarchy alone, but all civil government and regular order in society. As to the purchase of lands, it was, in fact, avowed by the French, that they had no possible means of carrying on the war but by the sale of their lands. In this situation of affairs, the purchase of these lands by persons in this kingdom, was, in fair construction, giving aid to the king's enemies. He argued that the bill was consonant to just commercial principles, as well as to sound political principles.

The Marquis of *Lansdowne* considered the present bill as one of great importance. The question was not one that might affect the life of one or two individuals, but the lives of many. Great as had been the alarm about treason, and of treasonable intentions, he owned he knew of neither; and as to the present measure avowedly for the purpose of protecting us in that respect, he owned it appeared to him to be a hodge-podge, to supply, at this late period of the session, all the want of evidence of treason, with which the people were alarmed at the commencement of it; and as the present reign had been remarkable for mildness in this respect, not one act having been declared to be treason that was not so by the ancient law of the land, now ministers seemed, as it were, to make up for that

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remissness, and to declare many things to be treason which were in themselves innocent.—His lordship then took notice of the several parts of the bill. He maintained that the whole principle of the clause respecting the insurance of ships was repugnant to the commercial interest of this country, for that others would take the business up as we abandoned it, and the large profits which our merchants had hitherto been accustomed to make would, in all probability, be lost to us for ever. America for instance, the most flourishing country the sun had ever shone upon, would take up the business of insurance, which that bill declared to be treason for us to pursue; and who would be answerable for our being able, at the end of the war, to resume that trade? This was not all, for several other parts of Europe had now become acquainted with this mode of commerce; nay, he had good reason to know that all Europe would soon adopt it, and he knew also that Sweden and Denmark were about to become an armed neutrality, for the purpose of profiting by the trade which we were about to lose by the present bill. By the present measure he was sure emigrations would take place. Had their lordships any idea of what might be the effect of these emigrations? Did they reflect on the progress of America by such emigrations? Did they reflect that a man went from this country at forty years of age to the province of Pensylvania, where he found only a few savages, and that before the death of his son the number of persons there amounted to 100,000, and that at this moment they were nearly 400,000? Did they reflect what would be lost to this country upon interest, upon demurrage, and upon other parts of commerce, which would be affected by the clause respecting insurance? All these things we owed to the great wisdom of our ministers, who had determined upon taking care of the interests of this country, by pursuing a plan for the utter destruction of the French. All our happiness depended, and our safety, it seemed, upon the hermetically sealing up twenty-six millions of men; the liberal, humane idea of starving twenty-six millions of our fellow creatures, was that upon which we were to build our prosperity? This was as foolish as it was inhuman; and as well might we think of offering the Royal Society a premium for inventing a balloon for blowing them all up. The bill affected the liberty and the property of every individual in this country in a violent degree. With respect to property he did not see what administration had to do with it: and he defied them to show their right to meddle with it; and for the other, it ought to be always sacred, except in cases of the most extreme necessity. Policy required this as well as justice, for it was essential to the interest of a state that its subjects should be satisfied with the means and administration adopted for the public safety, and more particularly in all steps taken upon the law of treason. Here his lordship took notice of the opinion of Mr. Justice Foster, who recommended mildness and not severity, upon all constructions of the law of treason. There were other authorities that might be quoted to the same effect; as an instance of which he read the preamble of the act of William and Mary. But the great question was this, What were we pursuing these restrictions for? To support the present war,—a war which he thought at its commencement, and thought still, unjust and unnecessary. We had already spent six millions of money upon this war. If the Dauphin should ascend the throne, as he hoped he would, should we have our expense returned to us? What, then, was the object of the farther prosecution of the war? Was there to be a new division of Europe? a thing very difficult to be effected; and, when effected, he doubted whether we could be gainers. Was there any other power to be aggrandised? Was Austria to have more dominion? and if so, what were to be our gains by such a measure? Here his lordship pointed out the probable ruin of our commerce if we pursued this plan. Had their lordships lately attended to the Gazette? Did they see the frightful list of insolvents there? He was in hopes we might profit by reflecting on the American war, in which seventy millions of money had been exhausted by ministers, contrary to their own principles at the commencement of the war. He should do all in his power to bring the war to a conclusion, and would never countenance a measure that tended to prolong it as it was a war that only tended to heap calamity on calamity.

The Earl of *Darnley* was in support of the general principle of the bill. He was convinced it would be impossible to treat with the French while they had their present force, or any thing like their present form of government.

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The Earl of *Lauderdale* maintained the injustice, inefficacy, and impolicy of the whole of the bill as a mass, and the tyrannical nature of several of the clauses in particular. He made several observations on it, as it would be injurious to the sale of any of our commodities abroad, and was severe on that part which had been taken in the progress of the bill as it affected cloth. He quoted the authority of lord Mansfield in the year 1747, upon the subject of insurance, and agreed with the substance of that able speech. He quoted also the opinion of Mr. Justice Blackstone upon conspiracies and plots, in which he says, that alarms of false plots and conspiracies were always the props of a wicked administration. He dissented from the bill altogether.

The Duke of *Portland* said, he should not oppose the commitment of the bill, because he thought the committee the proper stage for correcting several parts of it, that appeared highly objectionable. He disapproved, in particular, of making the agreeing to do certain acts equally criminal with the acts themselves. But his principle reason for rising was, to say, that with respect to the bill, and all other measures, he would, in perfect consistency with his former declarations, give a fair and honourable support to the war, because he thought it both just and necessary. This he should do from no timidity, unless zeal for the preservation of the constitution could be called timidity.

The question was put and carried; and on the following day the House went into a committee on the bill, in which various amendments were agreed to.

April 22. The Traitorous Correspondence bill was read a third time. On the motion that it do now pass,

The Earl of *Guilford* said, that although the bill had undergone many important amendments, yet it still contained too much objectionable matter for him to assent to its passing. He observed, that words of themselves had never by law been deemed treason, and yet by one of the provisions of this bill, an agreement in words only was declared to be treason. He requested their lordships to reflect upon the inconsistency of making that an act of treason, which would not amount to a common agreement in any court in Westminster-hall. The learned lord on the woolsack had said that notwithstanding all the provisions of the present bill, there still remained treasons under the act of the 25th of Edw. 3rd. Having no doubt of the legality of that opinion, he felt himself bound to observe, that the lives of the subjects were put in great danger by this bill; for a man of an ordinary understanding would naturally take it for granted, that if a bill passed, specifying certain acts to be treason, all things not included in that bill were not treason. For this reason, he should think it would be proper to insert a clause, stating, that no man should be convicted of treason on any law except the present bill. Indeed, he had seen nothing in the situation of this country that called for any alteration of the law of treason; but if there was to be any alteration, it should be such as every man liable to fall a victim to it might understand.

Lord *Abingdon* said, that the bill had his most hearty concurrence; as any measure should have that had even a tendency to prevent the importation and propagation of French principles into this country. His lordship said he was born and bred, as his ancestors before him were, an Antigallican; that he had lived to be confirmed in these principles, to find that they were not falsely implanted in his mind, and to know, from experience, that the old philosophy was better than the new. He had been taught to consider France not only as the natural enemy of this country, but of all the world. Universal dominion had ever been her aim. She tried it under a monarchical, she was now trying it under a republican, form of government. What she attempted under Louis 14th; she was now aiming at under citizen Egalité; the governments were different, but the object was the same. He had learnt too that French liberty would be English slavery; and therefore he was not one of those that much wished for French freedom; for although a christian, he was not so good a one as to love his neighbour better than himself. I have, thank God (said his lordship), enough of that Roman *amor patriæ* in my bosom, to prefer my own to any other country, and thus to say with Pope;

"Friends, parents, neighbours, first we do embrace,
"Our country next, and next all human race."

The Marquis of *Landsdowne* said, that the bill struck at many of the fundamental principles of the constitution, and he should feel great weight upon his mind if he neglected to oppose it. Our ancestors,

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in the best times, had confined treason to circumstances concerning the person of the king and wisely so, for by so doing, they had added in the mind of subjects a resource for the royal person; but this bill tended to dissolve the principles of the constitution, and to introduce a confusion in the ideas of the lower classes of the people. It was extremely impolitic to bring within the description of high treason, things in their nature indifferent or unimportant. High treason was the highest crime which the law or the legislature knew, and therefore the punishment annexed to it ought not to be made to fall on petty offenders. The life and liberty of the king were of the greatest importance to the state; for upon them rested the peace and happiness of the whole community; it was consequently wise and just that an attempt to deprive his majesty of either, should be called high treason, and punished as such; but it would be absurd that a man who should, during the present war, sell to the French a pair of old boots, should be deemed exactly as criminal as if he had actually taken away the life of the king, or robbed him of his liberty. He had at all times been disposed to uphold the majesty of the throne; and he was still more disposed to do so at present, when the tide of democracy was running so strongly against royalty; he was ready therefore to give his support to any bill calculated to give greater security to the crown, and insure still more the personal safety of the king; for such purposes he was willing to extend the statute of treason; but he could not bear to think that the selling of a pair of shoes to the French, should be made in the eye of the law as criminal an act as the murder of the king. There could not be a more mischievous principle than that which tended to diminish the reverence which subjects habitually had for the sovereign; and this bill tended to introduce confusion in that respect, and consequently lessened the honourable support to which government ought to look. Besides, it was a general maxim, that excess of punishment for a crime brings impunity along with it. It was to this we were to attribute so many acquittals of men tried upon sanguinary acts of parliament: the jury seeing the vast disproportion between the offence and the punishment often acquitted, although they had no doubt of the commission of the act; and often judges, after conviction, were obliged to respite, and the king finally to pardon, for fear that by putting men to death for trifles, the humanity of the public should be shocked. This was the case with the bill in question: for who would say that a jury would doom a fellow creature to death for selling a yard of cloth, and sending it to France. As wise legislators, who should accommodate themselves to the spirit and temper of the times, and to the changes in the public mind, their lordships ought to make allowances for the change of opinions which had taken place in Europe since the revolution in America. That great event had been productive of many others; and no one could tell how many more would spring out of it. Three millions of men in a neighbouring kingdom (the catholics of Ireland), who had bent under the weight of oppression, and had been obliged for a century past to go upon all fours, now stood erect upon two legs like the rest of their fellow subjects. This was an important change, and ought to influence the legislature in its future systems for a government, in which three millions of people, who had hitherto been doomed to silence, and who now could raise their voice in their country, must perceive that that very circumstance would call for serious attention to the opinions and wishes of the governed. In Scotland there was a growing democracy, becoming daily more powerful, because more wealthy through the medium of commerce. These two circumstances would make it necessary that government should be peculiarly careful to rule the people with prudence and wisdom; and to take from them all temptation to emigrate from Europe to America, whither he understood that many of our most skilful artificers and manufacturers were preparing to carry their industry and ingenuity. History showed that there had always been a propensity in parliament to enact new statutes of treason; before the 25th of Edw. 3rd, they were so numerous, that it was scarcely possible for a man to stir a single step, or open his lips, without saying or doing something which by those statutes was declared to be treason. That wise monarch found it necessary to repeal them all, and to pass the famous act of the 25th of his reign, which was considered as the standard for defining treason. In the reign of his successor, Richard 2nd statutes of treason began again to spring up; but to show the little efficacy of them, he had only to observe that they could not save the

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unfortunate monarch who had so multiplied them, or prevent him from being deposed and murdered. Henry 4th, who succeeded him, followed the example of Edward 3rd and repealed all the acts of treason, except the 25th of that king. Both Houses of parliament indeed wanted him rather to extend than to repeal statutes of treason; they both proposed to him a bill for making sacrilege treason; but Henry 4th, instead of giving it his royal assent, rejected it by means of his negative, saying *le roi s'avisera*. From his time to that of queen Mary statutes of treason again multiplied to such a degree, that Mary found she could not do the nation a greater pleasure than to repeal them all, except the 25th of Edward 3rd From the time of that queen to the present day, new statutes of treason were enacted against papists, against coiners, and against such as should endeavour to prevent or overturn the Hanover succession. The statutes against the first were deemed, in our liberal days, too bloody and unjust to be put into execution, and were last year repealed. The acts against coiners were now found inadequate to the end for which they had been passed, and must very soon be revised by the legislature. The statutes of treason made for the security of the Hanover succession, were now completely useless, that succession being firmly established and undisturbed by any claim or pretension in opposition to it. At present he did not see any necessity for statutes of treason, except for the security of the life and dignity of the sovereign, and the safety of the state. He therefore could not bear to see a bill pass that House for punishing acts of little or no importance, with just the same rigour as if they were done against the life of the king, or the very being of the community. The authority of Grotius might perhaps be quoted against him; but he was confident, that as the opinion of that able man had been governed by the principles and sentiments entertained in his day by the different nations, he would, if he was now alive, give quite another opinion, on account of the revolution which he must perceive in the public mode of thinking. Revolutions in public opinions were much more rapid than men in general might think: so late as the year 1755, it was stipulated that the plunder acquired by the Russians at the capture of Berlin, should be considered as part of the subsidy to be paid to Russia. Such a stipulation did not at that time hurt the public feelings; but no one would dare to propose such a one at this moment; the world would not endure it. With respect to the war in which we were at present engaged, he could not better describe the injustice of it, than by quoting a passage from the English Grotius, the learned archdeacon Paley, in which that author setting down what were the causes which could justify war in general, observed that nothing could be more unjustifiable than that one nation should take advantage of the weakness, misfortunes, or distractions of another, and thus make war upon it with views of conquest and aggrandizement. Such he considered the nature of the present war. The bill would never answer its own object; for it never could prevent the traders of this country from supplying the French with the enumerated articles, when the profit to be made was likely to be great.—Some noble lords had defended the bill on this ground, that there was something in the internal state of this country which made it necessary; he knew of no such state; he believed nothing of what he had heard about plots, and conspiracies, and seditions in Great Britain; he did not, indeed, say that there might not be some disaffected people in the nation, for such were to be found in every nation; but all that was necessary for the purpose of counteracting them, was vigilance on the part of the executive government; nothing could be more absurd than, for the purpose of keeping them under, to extend the statutes of treason. Upon all these grounds, he not only opposed the bill, but was determined to take the sense of the House upon it.

The Duke of *Leeds* supported the bill. He thanked his majesty's ministers for the vigorous exertions which they had made, for suppressing the spirit of discontent and sedition which had begun to show itself in many parts of the kingdom. He thanked them also for the readiness with which they had sent relief to our allies the Dutch, and prepared to carry on a war as unprovoked as it was unjust on the part of France. The correspondence between the noble secretary of state and M. Chauvelin, he considered as having done great honour to the former, who had displayed a firmness in the negociation, which could be equalled only by his moderation. We were at war, not for purposes of aggrandizement, but of self-defence; and our only object was, to

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concur with the other confederated powers in restoring the general tranquillity of Europe, which the new philosophy and principles of France had disturbed.

Lord *Grenville* defended the bill, which, he said did not make a new law, or make any act criminal which was not so already by the existing statute of treason. The noble marquis must be aware, that to supply the enemy with articles necessary for carrying on the war against us, was already treason under the act of Edward 3rd. The noble marquis had endeavoured to raise a smile, by asking whether it was fit that a man should suffer as a traitor, merely because he had sold the French an old pair of boots? He might have gone on in the same strain, and have asked whether a man ought to be put to death merely for having accidentally sold some shoes, or some arms, or some gunpowder, or some ball, to a nation actually at war with his own? These, surely were all instances of adhering to the king's enemies, and consequently would come within the law of treason, though the present bill had never been thought of.

The Earl of *Lauderdale* said, that the bill was not only objectionable in its general principle, but in the detail of its clauses. The making a mere verbal agreement to supply any of the prohibited articles treason, although no act should follow the agreement, was, he believed, new in the laws of treason. If any part of the French territories should be conquered and occupied by us or our allies during the war, all commerce with such part would be prohibited, except by licence from his majesty's ministers; which was in fact, vesting them with a new discretionary power. Their exercise of the discretionary powers vested in them by the alien bill, showed the impropriety of granting such powers. Persons subject to the regulations of that bill were suffered to be present at their lordships debates, only in order to calumniate their members: while others were sent out of the country for causes which it would be ludicrous to state. The clause for prohibiting the purchase of lands in France was at variance with the principle; for while the professed object was, to prevent France from raising supplies on lands declared to be public property, it prohibited buying lands the property of private persons, and this too at a time when nothing short of absolute folly could induce the subjects of this country to lay out their money in the purchase of national property in France. The new clause, attaching corruption of blood to the penalties of the bill, he conceived to be an infringement of the law of entailing Scotland, as sanctioned by a supplementary statute to the act of union. He should be sorry if in any war the country had not better means of defence than any that the bill could afford. But in what was the present war more dangerous than former wars? Was France, with Austria, Prussia, and Spain leagued against her, more formidable than when she combated with Spain, Holland, and America on her side? When noble lords exulted in the consequences of the war, he must say that he had seen those consequences in a melancholy list of more than 400 bankrupts. When they talked of the situation in which this country now stood, he must desire them to recollect what might have been its situation if, instead of engaging as principals in the war, we had, now that the French were driven back into their own territories, reserved our force to interpose for the restoration of general peace. It did not appear that our exertions had contributed to make the French abandon their conquests. Highly as he thought of the illustrious personage sent to command our troops on the continent, and confident as he was in the valour and the vigour of those troops, whenever they should be brought into action, he could not suppose that 1,900 men had saved Holland, or driven the French from the Austrian Netherlands.

The *Lord Chancellor* said, there was nothing in the bill which made words spoken treason. If a man entered into an agreement to supply the enemy, it was not the words but the act which was treason, and that was treason as the law before stood. With respect to intercourse with any part of France that might be held as conquest during the war, the bill made no difference, for no such intercourse was allowable in former wars, but by permission of the crown. The clause attaching corruption of blood to the penalties of the bill, made no alteration in the laws of treason, as they before extended to Scotland. What would have been the state of the country if an opposite line of conduct had been pursued, was matter of speculation. What it actually was, their lordships knew. If an ambassador had been sent to Paris to negociate for peace, was it quite clear that the internal peace of this country would have been

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maintained? Was it quite certain that those deputations of fraternity to the French Convention would have ceased—that the same general spirit of loyalty would have been called forth—that those clubs, whose numbers had been boasted of so much, would have shrunk from their purpose, and disappeared—that the projected conquest of Holland would have been abandoned, and a stop put to that systematic attack on the government, the religion, and the morals of every country? The few troops sent out under the able command of an exalted personage, in the noble lord's opinion, could not have contributed much to the driving the French from their conquests. He thought very differently. To the sending out of those troops, and to the promptitude with which the measure was carried into execution, it was in his opinion, to be ascribed that Holland was saved; that the French were defeated and driven back; that all Europe, from Petersburgh to Naples, was delivered from the plunder, the confiscation, the rapine, the murder, the destruction of order, morality, and religion, with which it was threatened by the prevalence of French arms and French principles.

The House divided: Contents, 62. Not Contents, 7.

The bill was then passed.

Report from the Select Committee on the State of Commercial Credit.] April 25. A spirit of commercial speculation and commerce had been for some time increasing in every part of the kingdom, and had now got to such a height, as to threaten public credit with very serious danger. The circulating specie being by no means sufficient to answer the very increased demands of trade, the quantity of paper currency brought into circulation, as a supplying medium was so great and disproportionate, that a scarcity of specie was produced which threatened a general stagnation in the commercial world. In consequence of this alarming state of public credit, on the motion of Mr. Pitt, a Select Committee was this day appointed to take into consideration the present State of Commercial Credit, and to report their opinion and observations thereupon to the House.

April 29. The lord mayor reported from the said committee, That the committee had made a progress in the matter to them referred, and had directed him to make the following

REPORT.

Your Committee have thought it incumbent on them, in proceeding to execute the orders of the House, to direct their attention to three principal points.

1. Whether the difficulties at present experienced, or the probability of their continuance and increase, are of such urgent importance to the public interest, as to require the interposition of the legislature.

2. On the supposition that such interposition should be deemed necessary, what is the most practicable and effectual plan which can be adopted for giving relief.

3. What means can be suggested for preventing the renewal of similar inconveniences.

The consideration of the first and second head appeared in some measure blended together; and the third, though, of great importance, appearing to be less urgent in point of time, your Committee have thought it proper to submit to the House such considerations as occurred to them upon the two first points, reserving the latter for a separate report.

Under the first of these heads, the notoriety of failures to a considerable extent, the general embarrassment and apprehension which has ensued, the consideration of the necessary connexion between different mercantile houses, and their dependence on each other, and the influence which the state of commercial credit must have upon the trade, the revenue, and general interests of the country, appeared sufficient, without minute examination, to satisfy your Committee that the present situation strongly called for an immediate and effectual remedy, if any practicable plan could be suggested for that purpose.

In addition to this, the Committee had an opportunity of collecting, from several of their own members, information, grounded either on their general observation upon the subject, or on their own immediate and personal knowledge.

Your Committee, understanding that some suggestions on this subject had been laid before the chancellor of the exchequer, on the part of several persons of great eminence and respectability in the city of London, were of opinion that a communication of these suggestions, would be very material to the objects of their inquiry, with a view of ascertaining the opinion of persons of this description, both with respect to the necessity of some

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remedy, and to the particular mode in which it might be applied.

The chancellor of the exchequer accordingly laid before the committee a paper which had been delivered to him on the 23d instant, by the lord mayor and Mr. Bosanquet: which is inserted in the appendix to this report: He also stated to the committee, the circumstances which had led to this paper being drawn up.—That he had received representations from many different quarters, which induced him to believe, that the failures which had taken place, had begun by a run on those houses who had issued circulating paper without being possessed of sufficient capital, but that the consequences had soon extended themselves so far as to affect many houses of great solidity, and possessed of funds ultimately much more than sufficient to answer all demands upon them, but which had not the means of converting those funds into money, or negociable securities, in time to meet the pressure of the moment.—That the sudden discredit of a considerable quantity of paper which had been issued by different banks, in itself produced a deficiency of the circulating medium, which in the ordinary course of things could not be immediately replaced, and that this deficiency occasioned material inconvenience in mercantile transactions.—That in addition to this immediate effect, these circumstances also were represented to have induced bankers and others to keep in their hands a greater quantity of money than they thought necessary in the usual train of business, and that large sums were thus kept out of circulation, and great difficulty arose in procuring the usual advances on bills of exchange, particularly those of a long date.—That many persons were said to be possessed of large stocks of goods, which they could not at present dispose of, and on the credit of which they could not raise money.—That this occasioned an interruption of the usual orders to manufacturers, which circumstance, together with the interruption of the means by which they were enabled to to make their weekly payments, tended to prevent the employment of a number of persons engaged in different manufactures.—That these evils were represented as likely rapidly to increase to a very serious extent, if some extraordinary means were not adopted to restore credit and circulation.—That in consequence of these representations, he had desired a meeting of different gentlemen, in order to obtain the best information in his power, respecting the extent of the evil, and the possibility and propriety of any measure to remedy it.—That after much discussion, all the gentlemen present seemed to agree in a very strong opinion of the extent of the evil, though many objections at first occurred to any plan for remedying it.—That in the result, it was agreed to desire the gentlemen whose names were mentioned in the paper now delivered, to meet the next day at the Mansion-house, to consider more particularly the proposal for the issue of exchequer bills to a certain amount, to be advanced under proper regulations, for the accommodation of such persons as might apply for the same, and likewise the objections to which such a proposal might be liable; and that the paper which he had laid before the committee, contained the opinion of this second meeting.

The chancellor of the exchequer also gave an account to the committee of an application that had come within his knowledge for the accommodation and support of a house connected with a very important manufacturing district: that the sum wanted for the support and accommodation of this house was comparatively small, and the security proposed, as he had understood from very good authority, was admitted to be unquestionable, but that the application had hitherto been ineffectual.

The lord mayor informed the committee, that in conformity to the statement mentioned by the chancellor of the exchequer, eleven gentlemen met at the mansion house on the 23d, selected principally from that part of the preceding meeting, who had expressed the greatest difficulties in finding out a remedy; and after a long discussion upon the subject, they unanimously were of opinion, that the interposition of parliament was necessary and that an issue of exchequer bills, under certain regulations and stipulations, was the best practicable remedy.

Your Committee also received information from Mr. Thornton, Mr. Alderman Anderson, and Mr. Chiswell, members of this committee, with respect to instances which had fallen under their personal observation, to the following effect:

Mr. Thornton represented, that he was at this time acquainted with the situation of five or six mercantile houses, who were

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in the possession of large quantities of goods, the produce of which would give them effectual relief, but that owing to the stagnation of trade, and the impossibility of converting these goods into money, the houses in question were under very great apprehension of being shortly obliged to stop payment.

He informed the committee, that he was lately appointed a trustee for liquidating the concerns of a house in London, with extensive connexions in the country, that had been obliged to suspend its payments; that after the intervention of about three weeks it had been enabled to pay its acceptances, and within twelve months would discharge all its debts, and that the partners had a reasonable expectation of retaining a surplus of one hundred thousand pounds, and if they had had the opportunity of raising only a moderate sum of money on the securities which they held, the calamity that befel them and their connexions might have been averted.

Mr. Alderman Anderson informed the committee, that it had fallen under his own personal knowledge that seven mercantile houses, of known and undoubted property, and with a large quantity of goods on hand, now not saleable, are brought to very great distress from the scarcity of money, and will not be able to make good their payments if not assisted, which would prove of very serious consequence to many other merchants and manufacturers to whom they stand indebted.

Mr. Chiswell stated, that the present mercantile distress arose from an alarming stagnation of credit, which, on his knowledge, had reduced eight houses of known and large property to stop their payments. —That he also knew others of the same description who have had temporary assistance from him and others, but which will be ineffectual if they are not further relieved in a short time.—He also stated, that various applications had been made to him from different houses of undoubted and very considerable capitals, which in ordinary times, or even in times of pressure, he would have assisted, and that he is now only with-held by the uncertainty to what extent the mischief may increase, from the present unexampled general alarm and want of credit.—He also farther stated, that if those houses were not assisted, the consequence would be the immediate failure of many others of good credit and fortune dependent on them.

Your Committee understanding that Mr. Gilbert Innes, a director of the royal bank of Scotland, was at present in London, desired his attendance, and received information from him to the following effect:

That, as a director of the royal bank of Scotland, he has had many occasions to judge of the present state of commercial credit in Scotland:

That the country is in very great distress, and the two chartered banks will not be able much longer, with prudence to themselves, to furnish the accommodation and support, necessary to different mercantile and manufacturing houses, nor to the country banks, and, if something is not immediately done by government, a very general failure may be expected; and that many houses with undoubted effects, and who would ultimately pay all demands against them, will be involved, unless they can obtain a temporary relief.

There have been several failures, and a very considerable one lately, which is connected with manufacturers who may ultimately be involved, and where seven or eight hundred persons are now employed.

The effect of these failures, in his opinion, must occasion many manufacturers to be thrown out of employment, and he has heard some were already dismissed; and such is the pressure of the times, that the distress, if not ruin, of several principal manufacturing houses may ensue.—Many manufacturers would have been dismissed but for the liberal support their employers have received from the royal bank, but that assistance cannot, without imprudence, be continued without extraordinary aid.

This prospect of distress to the manufacturers, in his opinion, arises not so much from a failure of the usual markets for the goods, as from the difficulty in discounting, in London and in Scotland, the long-dated bills received for the goods.

Great quantities of manufactured goods belonging to manufacturers in Scotland are now in London, for which when sold, bills are granted for a small part at three months, and the remainder from six to fourteen months, the greatest part of which goods have been formerly sold for long-dated bills, but are not so now from the difficulty of obtaining discounts; and he has heard manufacturers say, they were willing to sell their goods with a

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considerable loss to obtain relief, by sales for ready money.

Manufacturers frequently borrow money for the purposes of their trade on personal bonds, great part of that money has been called for at Whitsunday next, 15th May, and from the state of credit in Scotland he has reason to think the manufacturers will not be able to answer these demands by borrowing on the former securities.

The manufacturers keep as little stock in their warehouses as they can, and as fashion varies, he should think the mercantile interest would be more benefited by depositing the raw materials on pledge than the manufacturer, who, however, might indirectly be benefited by the advance.

He certainly thinks that paper issued on government security, and advanced upon the deposit of goods or other unquestionable private security, would, when properly understood, be a material relief in the present distress of Scotland; and he has no doubt several persons might be found to concur in giving a joint security for the support of co-partnerships, with perfect safety to the public.

He believes the quantity of paper circulated by the country banks, has of late been considerably diminished, and their discounts on bills of exchange greatly so, since these troubles began: with regard to the royal bank, the circulation is nearly the same, and the assistance given to the country greatly superior to what it has given at any former period.

In addition to these statements, your Committee, when they were on the point of concluding their report, had the opportunity of receiving further information from Mr. Macdowall, a member of this House, who stated, that he is representative in parliament, for the city of Glasgow, from whence he had, this morning, returned; and that he had there found all the commercial houses and manufacturers in the greatest distress, from the late stagnation of commercial credit, and total want of private confidence.

The present distress does not appear to him to arise from a want of property or funds, but from the stop which has been lately put to discounting bills at any of the Glasgow, Paisley, or Greenock banks, who have not for some time past discounted to any extent, from their notes being poured in upon them for gold, and from the alarm which the present situation of credit in London has occasioned.

The manufacturers have plenty of goods on hand in London, and in Glasgow, which they cannot sell but at so reduced a price as renders it perfectly absurd for them to think of disposing of their goods, in order to obtain immediate relief: the manufacturers, and those who have cotton mills, have began to discharge the workmen employed by them during the last fortnight; and, by a letter received from the lord provost of Glasgow, by him, this morning, he learns that the manufacturers have discharged a very great number of workmen.—There are employed in Glasgow, Paisley, and their dependencies, in different parts of Scotland, about one hundred and sixty thousand men, women, and children: any relief to be administered must be given immediately to render it effectual.

The result of the information thus obtained confirms your committee in the general impression which they have already stated, and seems to preclude the necessity of requiring further evidence as to the extent of the evil, and the necessity of a remedy; and the urgency of the occasion appears to render it highly desirable to avoid all unnecessary delay.

Your Committee, therefore, think it proper to state what has occurred to them under the second head of enquiry, without detaining the House by observations of any considerable length, on circumstances which appear of themselves sufficiently clear and forcible. They think it however material to remark, that if the present distress were confined in its effects to individuals, however they might regret the extent of private calamity, they should not consider the case as justifying an extraordinary public interposition, much less should they recommend such a measure, if the pressure had been felt only by houses of doubtful credit, or who had suffered from the consequences of rash and unwarrantable speculations:—But it appears to your Committee, that the embarrassments arising from the want of credit, have already affected houses of undoubted solidity and sufficient ultimate resources; and that there is too much reason to apprehend that these embarrassments may extend in a degree which no individual exertions can counteract, with sufficient expedition and certainty, to prevent consequences of the most serious national importance.

In proceeding to examine the second

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head of inquiry, it was on every account a great satisfaction to your Committee, to have the advantage of the suggestions contained in the plan, which had been delivered to the chancellor of the Exchequer, and which has been already referred to.

On the best consideration which your Committee could give to the subject, the principal objects to be attended to in any measure for affording relief, appeared to be, to enable those who have securities ultimately good, but which would not be available till too distant a period, to receive such advances as might enable them to support the pressure to which they might be exposed in the interval—to furnish some medium of circulation which might, either directly or indirectly, replace the quantity of currency suddenly withdrawn —and, by the effect of these measures, to afford such assistance to individuals, as might revive confidence and credit.

Such a measure, under proper regulations, appears to be capable of producing very rapidly an effect far beyond the amount of the sum directly advanced, by setting at liberty and restoring to circulation sums to a much larger amount, which are rendered in a manner useless by the present stagnation.

It appeared to your Committee, that this object could not be effectually attained, but by advances issued under the authority, and resting upon the security, of the public.

In adopting such a measure, it is obviously necessary to keep in view, that the assistance to be given must be considered as merely temporary, and arising out of the very peculiar circumstances of the case; and also to establish such regulations as may prevent, as far as possible, the accommodation intended to be afforded from being applied to any persons but those who, on the one hand, stand in need of it from a real pressure arising out of the present circumstances, and, on the other, can give sufficient security for the repayment of it. The latter circumstance is entitled to peculiar attention for the purpose of confining this accommodation to the description of persons, to whom alone it can be permanently useful, or can be afforded with safety to the public.

Another consideration of equal importance is, that it should be so regulated as to furnish the opportunity to individuals to render their own exertions ultimately effectual, without, at the same time, giving such a degree of facility to their transactions as might lead to a relaxation or suspension of those exertions.

The next material object which suggests itself, is to provide, as far as the nature of the case will permit, that the distribution of this assistance should be conducted in such a manner as may best secure the safe and impartial application of it.

On a consideration of the plan above referred to, it appears to your Committee, that it contains the outline of provisions adapted to all these objects; they have therefore made it the basis of the proposal which they think it their duty to suggest to the House, and have added such observations as appear to them to be necessary, upon any of the particular points, in the order in which they occur in the plan.

With respect to the amount of the sum to be issued, the committee are of opinion, that it will be advisable to extend it to 5,000,000*l.* instead of 3,000,000*l.* as originally suggested. They are induced to do so, not only from wishing to leave a considerable latitude, in order the better to insure that the relief proposed shall be effectual, but also from having thought it right that the advances should be made on the deposit of goods in certain principal outports as well as in London, and from having had under their consideration the information received with respect to Scotland.

The interest to be allowed on the exchequer bills proposed to be issued, ought, in the opinion of the committee, to be fixed at two pence half-penny per cent. per day (being at the rate of about 3*l.* 16*s.* per cent. per annum) instead of two pence per cent. per day, which would be only about three per cent. per annum; and they have been informed, that the gentlemen who originally suggested the plan, concur in the propriety of this alteration. The committee approve of the principle on which a difference has been proposed to be made between the rate of interest to be allowed on the exchequer bills, and that of five per cent. which, according to a subsequent part of the plan, is proposed to be paid to the public by the parties to whom the advances shall be made. They conceive this to be expedient, not so much because the difference will furnish a fund for defraying the expense of the commission, as because it has a tendency to prevent any persons from taking advantage of this accommodation, who are not of the

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description intended to be assisted. The difference, however, between 3*l.* 16*s.* and 5*l.* per cent. together with the chance of some discount on these exchequer bills, even at the increased rate of interest, seems sufficiently to secure the object last stated, without rendering the terms of the proposed assistance more disadvantageous than is desirable.

The committee are of opinion, that the exchequer bills should be made out in sums of 100*l.* and of 50*l.* and, possibly, some proportion of them in sums of 20*l.*

The periods fixed for the discharge of the exchequer bills in equal proportions, appear to be highly expedient, with a view to the object before described, of affording means "to individuals to render their own exertions ultimately effectual, without at the same time, giving such a degree of facility to their transactions as might lead to a relaxation or suspension of those exertions."

It may deserve consideration, whether some provision should not be made to enable persons to repay the sums advanced to them at an earlier period than they originally stipulated.

With respect to the appointment of commissioners, the manner of selecting proper persons for that purpose, must remain for the consideration of parliament, if the measure in contemplation should be adopted; but the committee are inclined to think, that the number to be appointed should not exceed twenty; and they have reason to believe, that respectable persons will be found, who will give the public the benefit of their services, without receiving any emolument.

An augmentation has been already suggested of the total amount of exchequer bills to be issued; but an issue of one fourth part of this augmented sum, in the first instance, instead of one half of the sum originally proposed, may, it is conceived, be sufficent, as there will be the means of making further issues in case of necessity.

The security on the deposit of goods, which in the plan is confined to goods actually in London, may, in the opinion of the committee, be safely and properly extended to a few other principal ports—Bristol, Hull, and Liverpool, may be sufficient in England; and Leith and Glasgow in Scotland. Subject to this alteration, the committee agree in the propriety of confining the advances to the species of security, and in the proportion stated in the plan, for the purpose already mentioned, of confining the aid to those instances where it may be safely and usefully given.

With respect to the apportionment of the sums to be advanced, it would have been very satisfactory to the committee, if it had appeared possible to subject it beforehand to fixed rules; but, upon the fullest consideration, they are decidedly of opinion, that, from the nature of the subject, it is impossible to frame any rules which will be found applicable to the various cases which must occur, without such a knowledge of those cases, and of the nature, circumstances, and amount of the different demands, as can only be obtained from the applications to be brought under the consideration of the commissioners.

The nature of the securities being already fixed, and the proportion of the advances limited, the regulation of further details must, it is conceived, be left to the judgment of the commissioners; but it appears at the same time highly expedient that they should be required, as proposed, to take the earliest opportunity of laying down general rules for their own guidance, which should never be deviated from in particular cases, but be subject to revision on general grounds as occasion may require.

The power proposed to be given to the board to administer oaths, ought to apply to any person who may be willing to be examined as to any points depending before them; and a proper oath of office ought also to be taken by the commissioners, and such of their officers as they may think fit, before they enter upon the execution of their duty.

Your Committee having thus stated the different observations which occurred to them on the particular parts of the plan, they have only to recapitulate the result which they think it their duty to submit to the consideration of the House.

1. That power be given to issue exchequer bills to an amount not exceeding 5,000,000*l.* in sums of 100*l.* 50*l.* and 20*l.* to bear an interest of two pence half-penny per cent. per day, and to be payable one fourth part on the 31st day of August next, one fourth part on the 30th of November next, one fourth part on the 28th of February 1794, and one fourth part on the 31st of May 1794.

2. That commissioners should be appointed for the purpose of advancing these

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exchequer bills, under certain regulations, for the accommodation of such persons as may apply for the same—to act without fee or reward—to take an oath for the due execution of the trust—to have power to appoint the necessary officers—to administer oaths—and to apply such sums as may be requisite for defraying the expenses of executing the commission; for which purpose the commissioners of the treasury should advance such sums as may be necessary.

3. That immediately after the passing of the act, one fourth part of the exchequer bills shall be issued, on the requisition of the commissioners, to the persons to whom they shall think proper to advance the same, in the manner after directed.

4. That the commisioners shall be at liberty to advance such exchequer bills, to the persons applying for the same, in equal proportions of bills payable at the different periods before-mentioned, on the security of goods to be deposited in the custody of officers to be named by the commissioners in London, Bristol, Hull, Liverpool, Leith, or Glasgow, or on such personal securities of a given number of persons as shall be satisfactory to the commissioners, such securities to be given in a form to be prescribed for that purpose and to be made binding on the persons giving the same, to the amount for which each person shall respectively make himself security. These advances in no case to be more than 50*l.* per cent. on the value of the securities, and to be less at the discretion of the commissioners: and to be made on condition, that the sums so advanced shall be repaid, with interest, at the rate of 5*l.* per centum per annum, fifteen days before the date when the respective exchequer bills shall fall due, or earlier, at the option of the parties.

5. That immediately after the passing of the act the commissioners shall receive and open all such applications as shall be then made to them, specifying the amount of the advance desired, and the particulars of the security. That they shall proceed to class the said applications, according to the amount respectively applied for, the security offered, and the circumstances, situation, and connexions of the parties: and shall then frame general regulations for apportioning the sums to be advanced with a view to the points before specified, as well as to the total amount of the sum applied for, and such other considerations as they shall think material, by which regulations they shall be guided in their decision on particular cases, but which they shall be at liberty to revise on general grounds, as occasion may require. That they shall proceed to apportion and advance such part as they shall think necessary, of the exchequer bills then at their disposal, to an amount not exceeding 1,250,000*l.*, as before specified; and if the applications first made shall be for less than that amount, shall, in like manner, be at liberty, from time to time, to make further advances on fresh applications.

6. That if, upon consideration of the total amount of the sums applied for, and of the nature of the applications, it shall at any time appear to the commissioners that further advances, beyond the sum of 1,250,000*l.* may be advisable, the commissioners of the treasury shall be enabled, on their requisition, to authorize the advance of any proportion of the remaining exchequer bills, to such an amount, and at such times, as shall be found expedient; and that the commissioners shall, from time to time, by public notice, fix the periods for receiving applications, for framing general regulations, and for apportioning the advances to be made.

7. That on failure of re-payment, at the limited times, of the sums advanced, the commissioners shall be authorized to sell, by public auction, so much as may be necessary of the goods on the deposits of which such sum shall have been advanced, or to proceed against the persons who have given security for the same.

8. That all the monies which shall be repaid, from time to time, by the parties to whom advances shall have been made, or which shall, in case of default, be recovered by the commissioners, shall be placed in the bank, where a distinct account shall be kept of the same; that these monies shall be applicable to pay the principal and interest of the exchequer bills, at the times limited for paying the same respectively; and the surplus, if any, after the 31st of May 1794, shall be applicable, in the first instance, for the purpose of replacing the sums issued for defraying the expense of the commission, and the remainder as parliament shall direct.

‡

APPENDIX.

In consequence of a meeting of gentlemen, convened on Monday the 22d of April, at Mr. Pitt's house, where

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an opinion generally prevailed, that it would be of considerable benefit to the commercial interest of this country, if any means could be devised to revive public credit, and restore confidence; the lord mayor, at the desire of the chancellor of the exchequer, assembled the following gentlemen the next day, at the Mansion-house, who were of opinion, that the following were the outlines of a plan which would be of essential service, if carried into execution *viz.* lord Mayor, Alderman Anderson, Mr. Bosanquet, Mr. Forster, Mr. Baring, Mr. Chiswell, Mr. Thornton, Mr. Harman, Mr. Winthrop, Mr. Boddington, Mr. Hunter.

That parliament should order an issue of exchequer bills, bearing an interest of 2d. per cent. per day, to the amonnt of 3,000,000*l.* to be made out in sums of 100*l.* and 50*l.* ¼ to be discharged on 31st August, ¼ on 30th November, ¼ on 28th February 1794, ¼ on 31st May.

That a committee of proper persons be appointed, in the bill to be brought into parliament, as a board for the management of this concern, and to lend out these exchequer bills for the relief of the commercial part of the kingdom.

That the lords of the Treasury do issue one half of the above exchequer bills to the afore-mentioned board, who shall lend the same as money, in equal proportions of each sort of the bills, to such persons as shall apply for the same, on the following securities, and under the following conditions; viz.

As to the securities;

On goods to be deposited in the hands of officers appointed by the board, and which goods must be actually in London.

On securities arising from the joint concurrence of a number of persons of property, uniting and subscribing for the support of any particular house or town.

As to the conditions, that in no case more than 50*l.* per cent. on their estimated value, be advanced on any of the above securities; but less may be, at the discretion of the board. And on the conditions that all persons applying for assistance shall be bound, besides depositing the securities, to repay to the board the money advanced, together with interest for the same after the rate of 5 per cent. 15 days before the date of the respective exchequer bills they may receive shall fall due.

That it shall be in the discretion of the board to determine to how large an amount each party may be accommodated; and, in determining the amount of advances, the board to be directed by an attention to the extent of all the demands, and the nature of the trade in which each party is engaged.

That to enable the board to form some general standing regulations for the guidance of their minds in making this apportionment, at the very first outset it may be advisable for the chancellor of the exchequer, as soon as the bill shall have been brought into parliament, and shall have received the first reading, to nominate a proper person to receive all letters that shall be sent sealed up, superscribed as containing the proposals of such parties as may wish for relief, and stating the specific securities proposed to be pledged. All these letters to be kept by him sacredly unopened; and as soon as the bill shall have received the royal assent, the board to meet and open these letters, and apportion amongst the claimants ¾th parts of the sum which shall have been issued to the board, and reserving the other ¼th part to answer such occasional calls as may be made afterwards.

In case, on opening these letters, the sum thought proper to be advanced should be found to amount to a greater sum than the board is enabled to apply, it would be advisable to give power to the chancellor of the exchequer, on consultation with the board, to cause the whole, or any part of the remainder of the bills, in his discretion, to be issued to the board.

It will be necessary for the board to employ an able solicitor to give advice, also some eminent brokers to look at the goods, and clerks to enter all their transactions, which will certainly be multifarious. And it must also open a cash account at the bank, into which all monies received must be paid, and which must lie there till issued to the exchequer in discharging the bills as they become due.

The difference between the rate of interest to be paid, and what is granted on the exchequer bills, will amply pay all these charges, and any other attendant ones, and the surplus to be at the disposition of parliament. The board must be authorized to administer oaths to all persons applying for assistance: and the exchequer bills should be framed in such a manner as to leave in blank the day on which the interest of each respectively is

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to commence, that the same may be filled up by direction of the board at the time of issuing them to the public.

If the goods are not redeemed at the time agreed on, power to be given to the commissioners to advertise the goods to be sold at public auction. And to proceed, by regular course of law, for recovery against parties associating under the second head of securities.

A clause in the bill to be inserted to facilitate and expedite the transfer of property, cutting short the matter of form; and commissioners to execute their charge without any fee or reward: but some money must be issued from the exchequer to pay expenses in the first instance; and commissioners should be invested with full discretionary powers.

The Report having been read, Mr. Pitt moved, that it be referred to a Committee of the whole House to-morrow.

Mr. *Jekyll* did not rise to oppose the motion, because he had no doubt that expedition was necessary. The state of credit was alarming indeed, and he could not help thinking that there was some degree of blame on those who had the care of the executive government, with respect to the cause of that melancholy report—a report which he considered as the knell of our commerce. The paper circulation of this country, through the medium of country banks, would, if not guarded against, be the ruin of our paper credit. The report contained matter of blame to ministers, who must long since have foreseen the calamities by which the people of this country were so justly alarmed at this awful moment. He trusted the remedy, late as it came, would be the best which the nature of things was capable of affording; but he could not help observing, that it was not, on the first view of it, the most respectable thing for government to take in pledges like a common pawnbroker. He wished the whole scheme might not appear to be founded on mistaken principles.

Mr. *Fox* said, that he did not intend to make any opposition to going into the proposed committee; but if he forbore to do so, he trusted it would not be construed into his giving any kind of assent to the measure. He agreed that, taking the evil and the remedy together, it involved matter most important to the country, and of very delicate and difficult discussion. It seemed to him a business of a very anomalous nature; nor had he ever heard of a system in any shape similar, having been hitherto adopted or thought of. But, although he could not feel disposed to give it his assent, yet he confessed, that under the present most alarming circumstances of the country, as to mercantile credit, he wanted nerves to give it a decided opposition. In such a case, he should be apt to be somewhat diffident of his own opinion, if opposed by those who had occasion to bestow more time and attention on the subject. He rose, therefore, chiefly for the purpose of saying, that it did by no means appear clear to him, at first sight, that the remedy proposed would be effectual for the purpose intended; and that, as it was, in his opinion, a measure of very considerable difficulty and danger, he hoped it would receive a full and deliberate discussion. Whether the present calamitous state of commercial credit was or was not owing to the war, was surely a matter not capable of proof; but, seeing the coincidence between them in point of time, those would unquestionably be rash, on the other hand who should pretend to say decisively, that they have been totally unconnected. He begged to warn that House and the public, that there ought to be a considerable degree of confidence as to the good effect of such a measure as the present, before it should be adopted: if the executive government is to interfere in such a case, might we not be beginning a system, where we did not see the end of it? If the sum now proposed to be raised should be found insufficient—were we to stop? These were points for the consideration of the House, and he conceived it to be a very serious moment: he confessed he felt a reluctance to a measure so novel and important, and he trusted that every possible information would be brought forward upon the subject. —Parliament and government were now going to assume a new character and a new function: they were in their nature, the one legislative, the other executive; but now they were about to depart from their natural functions and to support the credit of commercial houses by advancing money upon their stock in trade. It surely would be incumbent upon ministers to show that this was necessary on the part of parliament and of government, and that it could not be so effectually or properly done by the bank, or any other

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great moneyed body of men, much better qualified than the legislature could possibly be, to ascertain the solvency of merchants and the value of goods. He considered this as the introduction of a new system, which ought to be very seriously examined, because it might lead to consequences the most alarming. There were two points of view in which he thought it ought to be placed before the House, namely, as it might affect the public purse, and as it might affect the constitution. The public were to be called upon to lend five millions of money to the traders and manufacturers upon the security of their goods and property. Might not the public be exposed to lose a great part of that sum by advancing it upon articles, the value of which government did not sufficiently understand to be able to ascertain how much might be safely lent upon them, or to persons with whose circumstances it had not the means of being acquainted? The bank of England was in every respect better qualified than government for such a task; and it was not a very favourable symptom, that the bank had declined granting the aid to public credit, which was now solicited from parliament; for it would seem as if the persons who were to be assisted were not in such circumstances as would make it safe for government to advance money to them. It was the interest of the bank to discount good bills, and when it refused to do it, one might well fear that the owners of those bills were not considered by the bank as labouring only under a temporary embarrassment.—When he considered the new system in the light in which it would affect the constitution, he felt so serious an alarm, that nothing could possibly reconcile him to it, but a conviction that it was to exist only for a short period, and not to be drawn into a precedent. No author that he had ever read had proposed any system like that now suggested; but perhaps he might hear it justified either by some theory or experiment of which he was as yet ignorant. The measure proposed was in his opinion dangerous to the constitution. It was investing government with the whole commercial influence of this country. He might entertain very high sentiments of the gentlemen about to be appointed as commissioners, but he thought the power which they were likely to possess would endanger the liberties of their fellow-subjects, more especially when they acted under the control of government. In a constitutional view, therefore, the present appeared to him a measure exceedingly alarming to the freedom of Englishmen; and one which ought, unless fully vindicated, to be resisted. The commercial ought never to be involved or blended with the legislative or executive authority. He had always understood, that the spirit of commerce was more free and enterprising when unfettered with the connexion now described; and he implored the House to pause before they sanctioned a system unknown to our constitution, and which might subvert our liberties. If the measure were thought laudable by government, why did not the commercial interests assist each other, rather than surrender their freedom to those in power? On these grounds; he trusted that the system was to be merely temporary, and that the most effectual guard would be placed round it, to prevent it from being abused, and from endangering the very thing it was intended to support.

Mr. *Pitt* said, that the subject was undoubtedly important, and he wished the real extent of the danger to be felt, with the view of leading to an effectual remedy. He was happy to say, that he had the utmost confidence that an expeditious and effectual remedy might be applied. On some occasions the urgency of particular instances must outweigh general principles, and the present was of that kind. It had been said, that trade best flourished when disjoined from and unconnected with government; but it ought here to be distinguished, that no control over the operations of trade was proposed, but only that, by a temporary advance, the credit of the merchant might be supported, and the means afforded him of carrying on his own schemes in his own way; nor was any facility afforded to rash or wanton speculations. He concluded with again urging the necessity of dispatch.

Mr. *Grey* admitted, that if the measure was at all advisable, much of its efficacy would probably depend on the dispatch with which it should be carried through; but as the report was not yet printed, he begged leave to put it to the right hon gentleman, whether it was not rather too early to take it into consideration to-morrow. He would take that opportunity of giving his opinion strongly against the proposal, as creating a new species of in-

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fluence. If relief was to be afforded, this did not appear to him to be the proper means of giving it. Why did not the bank interfere? Was it that they thought it unsafe to do so? And, if so, was government to do what the bank did not think safe to do? He was, however, more inclined to believe, that, from particular circumstances the bank might not be able to afford it, probably from having too great a load of exchequer bills already; and, if that was the case, would it not be better to pay off part of these exchequer bills?

Mr. *Montagu* thought the question was not, whether the relief proposed was unobjectionable in all its parts; but whether some mode of relief was not absolutely necessary, and this the best that could be devised? He was therefore in favour of the proposition.

Mr. *S. Thornton* said, he was a member of the committee, who were unanimous in opinion as to the propriety of the measure, and as to its efficacy, if carried through with dispatch. Two hon. gentlemen had said, that it was the duty of the bank to have interfered. The bank had stepped forward in the mode of discount; but it never had been their custom to advance money on mortgages, or on the species of security which was now pointed out; not from any doubt of the security, but because they found an ample demand for their money in the way of discounts.

The motion was then agreed to.

April 30. The House having resolved itself into a committee of the whole House upon the said Report,

Mr. *Pitt* said, that after the preliminary observations he had made last night, he should not enter into any argument; but, referring to the report on the table, which he trusted gentlemen had carefully considered, should move, "That his majesty be enabled to direct exchequer bills to the amount of five millions, to be issued to commissioners, to be by them advanced, under certain regulations and restrictions, for the assistance and accommodation of such persons as shall be desirous of receiving the same, on due security being given for the re-payment of the sum so advanced, within a time to be limited."

Mr. *Francis* asked the chancellor of the exchequer, for what reason the directors of the bank of England had not been invited to undertake the management and distribution of the relief proposed to be given to the commerce and credit of individuals, why it had not been formally proposed to them to carry into execution a measure, with the objects of which they had a necessary connexion, and must of course possess information superior to any that could be found in a board of commissioners newly appointed by parliament? The business, proposed to be done by the commissioners, was in effect what the bank was now doing every day, and which they would only be called upon to perform with greater means and to a greater extent. If they accepted the trust, there could be no doubt of their performing it safely for themselves, and effectually for the public. If they refused it, they would of course assign their reasons; and if those reasons were valid and sufficient, they would be infinitely stronger on the part of government, not to undertake a task, which the bank had refused. If the directors of the bank should allege, that their funds were insufficient, or that they had already exerted their own means, as far as they could with safety or propriety, that objection would be removed by putting into their hands the exchequer bills, which were to be entrusted to the commissioners, and leaving it to them to circulate and distribute them, in whatever way they might think most advantageous to the commercial credit of the country.

Mr. *Pitt* said, that from the nature of the business the bank had declined interfering, because the species of the security to be given was not such as the bank had been accustomed to receive. The measure now proposed was of a temporary nature. The practice of the bank upon discount was permanent. The bank took securities for what business they transacted in this way at two months. The security to be given here was not determinable at that time, and the deposit was of a nature which the bank had not been accustomed to act upon.

Mr. *M. A. Taylor* said, that unless the plan which should be brought forward had good regulations against patronage, he should think himself bound to give it his negative. As to the observation, that the bank discounted bills only at two months, he did not see why the bank should not do so still, and when these bills became due, renew them for the same length of time. This they might continue as long as they were satisfied with the

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security. With respect to the relief proposed by the present plan, he had conversed with gentlemen who were qualified to judge upon this subject, and they laughed at the idea of considering it as any thing like a solid assistance to those who now were, and might hereafter be, in want of aid in consequence of the embarrassment of commercial credit. He wished with all his heart that the credit of the country might be supported; it was the interest of all that it should; but he did not think that would be done by putting all the merchants under the nod of the minister; which he feared would be the case if this plan was to be under the control of commissioners of the minister's nomination. Unless he could see better grounds to proceed upon than those stated in the report, he should not be able to give his assent to the measure now proposed. He believed in his conscience that it was, by mercantile men, considered as absurd and useless.

Mr. Alderman *Curtis* said, he could aver, that, so far from laughing at, the mercantile interest approved of the measure, and he, for his part, had not the smallest doubt of its producing the happiest effects.

Mr. *Chiswell* said, he had connexions with mercantile men, and he could, in the most positive manner, declare, that the measure, so far from being laughed at, was looked up to with hope and approbation. As a proof of this, he mentioned the effect that the bare report had on the price of stocks.

Mr. Alderman *Anderson* said, that the measure proposed was of that kind, that, if not granted, the most serious mischiefs would follow. The objection against the distribution by commissioners was futile; for they had not the discretionary power to refuse the loan, on producing proper security. He positively denied the custom of renewing bills by the bank, for when it appeared for the sake of raising money, it was never granted.

Mr. *Fox* did not wish to trouble the committee much at length. The subject was such, that he hardly knew how to speak at all upon it, and the more so, as he had considerable doubts upon the expediency of the remedy, supposing the principle of the proposed measure to be unobjectionable. With regard to the necessity of aiding the public credit at the present humiliating moment, there was not any room for difference of opinion. The state of public credit was matter of lamentation. Humiliating and lamentable it must be; for the very circumstance of that House being in a committeee to consider of means to aid the commercial credit of the nation was decided evidence of that fact; and he must add, that the whole taken into consideration, we were surrounded by circumstances of a dangerous nature. We were told, that, in point of fact, there was no real danger, for that the distress was merely temporary, and that the remedy proposed would be fully adequate to its removal. He wished to God that might turn out to be true; but at the same time it was not quite satisfactory to see that government were obliged to take up what the bank of England would not touch. The answer to this was, that the bank of England was not in the habit of entering on a speculation of this nature, and that it would not be consistent with the regularity of their proceedings to do so at this moment. Was there any thing so peculiarly regular and precedented in the legislature taking up the measure, that taught gentlemen there was no real danger? If the bank of England, accustomed as they were to commercial dealings, thought it a scheme upon which it was not prudent to adventure, how did gentlemen arrive at all at the conclusion that there was no danger to the public in such an adventure? If it was not the habit of the bank to advance money upon a certain species of security, he would say, neither had it ever yet been the habit of the public to advance their money upon that security; and that if there was to be any innovation in the affairs of commerce, it was better that it should be made by the bank than by the public.—But, it seemed, the bank had been applied to in vain upon this occasion. What was the reason that the bank had been applied to in vain? He feared the reason why that application was unsuccessful would not be very likely to induce the public to adopt the measure. These reflections compelled him to entertain doubts upon the prudence of the measure. But, it was again said, that the bank had already issued money enough upon discount. If that was the case, he was afraid the public could not be much benefited by issuing exchequer bills for five millions more, and that means should rather be devised for paying off those in the market. He did not say that his opinion upon this

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subject was direct, but he could not help suggesting his doubts; he should be very glad to be answered by arguments, and he declared upon his word that he should be happy in hearing his observations refuted. He could not help again observing, that the bank must have some strong reasons for refusing to discount in the usual way; for, generally speaking, they were pretty ready to discount when they thought they could do so with safety, for that was well understood to be for their interest; if that was the case in general, how much more so was it on the present occasion? Who could be more interested in the general credit of the commerce of the country than the bank of England? What, then, must be the conclusion of a man of common sense when such a body of men refused to discount? What must they think of the situation of the country? These points pressing upon his mind, he owned he should not be sorry to hear that the subject went no farther that night. Again, he must observe, the bank refused all share in this business for one of two reasons; either that they did not like the security that was to be offered to them, or that they had already so far employed their money as not to be able to afford the relief wanted. If the first was the reason, there would be a difficulty indeed in the way of the present measure. The commissioners, whoever they were, could not be more conversant in commerce than the gentlemen who had the management of the affairs of the bank of England, and therefore the plan could not have a very flattering prospect of its issue. If the bank hesitated, by what mode of reasoning was it that the commissioners should not hesitate; and in this view he thought himself, as one of the trustees of the interests of the public, bound to hesitate. If the other reason was allowed, namely, that the bank had already issued all it could afford, he could not see the ultimate advantage to the public credit by the issuing exchequer bills.—He must repeat, that he spoke upon these points with doubts, which he should take pleasure in having removed, and grief in having confirmed, and he must really say he did not not know what to do. He knew not how to say that he would not agree that the committee should proceed upon this subject, for the purpose of supporting the commercial credit of the kingdom, and to remove the calamity of the country; and yet he did not see how this plan would answer the purpose for which it was intended. He felt also another difficulty, and that arose from a motive of delicacy, from the circumstance of having had nothing to do with entering into the present war,—the cause, in his opinion, of all our calamities; having on the contrary, done every thing in his power to prevent it, so he did not wish to be represented as a person not feeling the calamity, because he had not contributed to produce it. A very important part of the question remained; he meant the constitutional point that would be involved in it; a matter in itself of the highest importance. How was government to take what related to commercial dealings into its hands, without establishing a precedent of the most dangerous and alarming nature, and without creating a general timidity in commercial men with regard to the fate of their future speculations? How were the committee sure that this would not damp the ardour of commerce, and shake the general principle, which was the life of commerce itself, the control which every man had over his own property? How were they sure that the commissioners, when appointed, would be free from partiality, prejudice, favour, and affection, and all the weaknesses which were common to our nature? And how could it be determined that these commissioners would receive the security of one whose way of thinking upon politics might be agreable to the minister, and refuse an equally good security from a person of a contrary way of thinking? Was not this opening a door to the most unconstitutional and dangerous patronage? Good God! did the committee see the extent of the power which this might give to the executive government?—a power which it was the first duty of that House jealously to watch. Before, therefore, he voted for such a measure, he ought to see something like the probable effect of it. He ought to give power of this nature with a timorous and reluctant mind. He ought to feel the danger to which his country was exposed in the possible abuse of such a power. He ought to know something of the proposed end before he consented to such a beginning. He repeated, that although he was not in the least degree accessary to the commencement of this calamitous war, yet he should be glad to be instrumental in bringing it to a conclusion as speedily

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as could be effected with due regard to the honour of this country. He blamed not the majority on that occasion, but gloried in being one of the minority. He wished to see the hour when this destructive measure was at an end, for then commercial credit would return, and with it commercial enterprise and vigour.

Mr. Secretary *Dundas* begged leave to enter his protest against any declaration that the present embarrassment of the merchants and manufacturers, was the effect of the poverty of the country. He considered it as precisely the reverse, and would maintain, however odd it might sound, that it was occasioned by the uncommon prosperity of the nation; a prosperity which had induced some individuals to push their speculations beyond the extent of their own private capitals, but by no means beyond the capital of the nation. To call upon the bank of England to deviate from that line of conduct which it had proposed to itself and under which it had flourished, he deemed by no means prudent. The bank discounted upon certain securities; but discounted on the principle of having its returns in two months. The measure now proposed admitted of a more extended period for repayment, and was entirely different from what was the usage of that corporation. In a constitutional point of view, he admitted that the measure was by no means desirable, but as situations must ever occur, in which extraordinary remedies must be applied to extraordinary necessities, he left it to the judgment of the House, whether this was not particularly so. He ridiculed the idea of any partiality being exercised by the persons appointed by parliament, for executing this trust. For himself, he declared, that he was not acquainted with the name of any one who might be nominated; but he should think the country had arrived, indeed, at a very alarming degree of depravity, if twenty gentlemen could not be found, who would not perform fairly, upon oath, the functions of this commission, without regarding whether the persons who applied to them appeared in red or yellow capes—in blue and buff, or any other colour.

Mr. *S. Thornton* did not think that the war, however it might partially affect the public credit, had contributed so much to the present stagnation as the great circulation of paper, and the extension of manufactures. With regard to the bank, he was authorized to say, that, though they were not desirous of being the agents of government, in the proposed distribution, they had come forward on the occasion with unexampled liberality, and had been so industrious in discounting bills, that, within the last fortnight, they had increased the number of their clerks, and were also extending their buildings. So much were they satisfied with this measure, and so anxious to promote its objects, that they were willing to spare two or three of their most experienced members to give all the assistance in their power to forward the execution of it.

After some further conversation, the Resolution was agreed to. On the following day it was reported to the House, and a bill was brought in pursuant thereto. On the 3d of May the bill was committed. Much discussion accordingly took place on the various provisions of the bill. The commissioners, under whose direction the whole plan was ordered to be carried on, were lord Sheffield, sir Grey Cooper, Mr. Pulteney, Mr. Chiswell, sir John Sinclair, Mr. Alderman Anderson, Mr. R. Smith, Mr. Bosanquet, Mr. T. Boddington, Mr. Manning, Mr. Whitmore, Mr. Baring, Mr. Hartley, Mr. Raikes, Mr. Forster, Mr. Darrel, Mr. C. Grant, Mr. G. Innes, Mr. Harman, and Mr. Brogden. The places where the goods were to be deposited, as a security under this bill, for the aid to be given, were London, Bristol, Hull, Liverpool, Glasgow, and Leith.

Scotch Roman Catholic Relief Bill.] April 23. The House of Commons resolved itself into a committee, to take into consideration a motion made yesterday by the lord advocate of Scotland, for granting Relief in certain cases to such of his majesty's subjects in Scotland, as profess the Roman Catholic religion.

The *Lord Advocate* of Scotland observed, that the Roman Catholics of Scotland laboured under many hardships and disabilities on account of their adherence to their religion. By one law an oath, called a formula, or solemn declaration, was imposed upon them, which they could not take without renouncing the religion they professed; and if they refused to take it, their nearest protestant relation might deprive them of their estates. He observed, that it was repugnant to justice and humanity, that a subject not convicted

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nay, not so much as accused or even suspected, of any crime against the state, or against society, should be deprived of his estate, for no other reason, than that he professed the religion most agreeable to his judgment and his conscience; or that he should be placed in the wretched situation of holding his estates at the mercy of any protestant relation, who might be profligate enough to strip him of it by enforcing this very penal law. The liberality which had induced the House last year, and, on a former occasion, to grant relief to the Roman Catholics of England, would, he was persuaded, induce them to extend relief also to the Roman Catholics of Scotland, whose loyalty and good conduct gave them an equal claim to the indulgence of the legislature. He admitted that the particular law to which he referred was too odious to be often carried into execution; but if it was not fit that it should be executed at all, it ought not to be suffered to remain merely as a temptation to the profligate to strip honest and meritorious people of their property. He was extremely sorry to inform the committee, that there was at this moment a suit actually depending in the courts of law in Scotland, founded on this particular statute. A Roman Catholic gentleman, as respectable and amiable in character as any man in this or any other kingdom, was possessed of an estate of 1,000*l.* a year, which had been in his family for at least a century and a half; this gentleman, loved and respected by all who knew him, was now on the point of being stripped of his property by a relation, who could have no other shadow of claim to it, than that which he might derive from this penal law, which he was endeavouring rigidly to enforce. In the courts as much delay as possible was thrown in his way; but it was to be feared that he must succeed at last, and reduce to beggary a gentleman in every respect a most meritorious subject. If it was too late to save him from such a misfortune, the legislature, he trusted, would interpose and take care that he should be the last victim to a cruel law, and that it should never operate in future, to the destruction of any other person; for surely it was no longer to be endured that a man should be placed in the horrid situation of either renouncing the religion of his heart, or by adhering to it conscientiously, forfeit all his worldly substance. His lordship concluded by moving, "That the chairman be directed to move the House for leave to bring in a bill for requiring a certain form of oath, abjuration and declaration from his majesty's Roman Catholic subjects in that part of great Britain called Scotland."

The motion was agreed to *nem. con.* and the bill passed through all its stages without opposition.

Stockbridge Electors Incapacitating Bill.] March 18. Mr. *Eliot* the chairman of the committee on the Stockbridge election, called the attention of the House to the report of that committee. It appeared, he said, that previous to the last election, a club had been formed for the purpose of proceeding regularly upon the business of bribery and corruption: at this club was chosen a common agent to transact the business; and none could be admitted to the club but electors of Stockbridge. Here they debated upon their own corruption, and settled the sum that each elector should take for his vote, as well as the security he was to require for the payment of it. He therefore trusted the House would see the propriety of coming to some measure to prevent such shameful proceedings in future. He then moved, "That leave be given to bring in a bill for the preventing of bribery and corruption in the election of members to serve in parliament for the borough of Stockbridge."

March 20. The said bill was brought in, read a first time, and ordered to be read a second time on the 11th of April.

April 10. Mr. *Salusbury* moved, that leave be given to bring in a bill to Incapacitate those Electors who had been found to be guilty of the bribery and corruption mentioned in the report from voting at elections in future for members to serve in parliament.

Mr. *Powys* said, that as to the first bill he had no objection, but unless he had better evidence laid before him, he should not think himself justified in voting for the second.

Mr. *Fox* approved of the mode which had been adopted in the present case, in separating the two objects of the report of the committee. He considered the bill to disqualify the electors, as a bill of pains and penalties; and he remembered in the case of Shoreham, when a bill of pains and penalties passed, he heard a great deal of evidence in the House, but not thinking that evidence sufficent, he

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voted against that bill. He had no particular objection to this bill being brought in, in order that the subject might be fully discussed, but then he should require evidence to be given at the bar of that House in a very satisfactory manner, of the clear guilt of these electors, before he should agree to the passing a bill to deprive them of their right of election.

Mr. *Hussey* thought the proceeding in this bill to be properly speaking, a proceeding upon an *ex post facto* law; if the law was perfect, why not proceed upon it as it stands; if otherwise, why make a law for this case in particular, why not alter the law in general? He considered this measure as an act of oppression upon these persons; for was it possible for them to appear properly before the House to make their own defence? He therefore moved "That this debate be adjourned to this day threemonths."

The *Solicitor General* objected to the principle of the bill. There was, he said, an act of parliament, the 2nd of Geo. 2nd. which regulated the mode of trying persons for bribery at elections, and of punishing them if convicted. The time of prosecution was by that act limited to two years after the conviction of the offence, and this bill might be said to be a bill for enlarging the powers of that act.

Mr. *Buxton* thought that every man who had the right of electing members to serve in parliament, ought not to consider himself as holding it for his own interest, or even for the interest of the place in which he lived, but that he held it for the general interest of the whole country, and that so regarding it, he should give his vote for the wisest and the best man he knew, in order that the people at large should be satisfied with the state of their representation; for these reasons he thought that House could not be too eager to punish those who had been guilty of bribery and corruption.

Mr. *Windham* was not of opinion that the present was such a case as called for the severity of a bill of pains and penalties; such a measure should be reserved for great offenders; he was therefore against the bringing in of the bill.

Mr. *Francis* said;—Mr. Speaker; my opinion, on the nature and effect of this bill, may possibly be singular, and perhaps may be thought extraordinary; but it is serious and sincere. Every man must be sensible that there are many considerations, belonging to this particular subject, which are fitter to be suggested and left to the reflections of the House, than to be publicly argued in detail. Considering the actual state of what is called the representation of the Commons in parliament, I am against this bill, and shall oppose every measure of this kind, that may be introduced hereafter on similar ground. In what I am going to say, I do not mean to make a particular application to the present House of Commons. I look back to what has been, and forward to what may be. My opinion relates to a general system, which I believe to prevail through the kingdom, and of which it would be equally unnecessary and disorderly to select the present House of Commons as a distinguished or prominent example. I deem this bill to be, in the first place, partial and unjust in its immediate penal operation; in the second, utterly useless and ineffectual to its professed or supposed; and finally, according to my view of the whole subject, not only not beneficial, but likely to be injurious to the public service. In the distribution of justice, particularly where great penalties are proposed to be inflicted, I hold it to be an essential principle, that equal measure should be observed, alike and indifferently, to all men. We have no right to fix upon special instances, for the purpose of particular punishment, while we permit or connive at the general system, to which those instances inseparably belong. They, whose minds are vigorous enough to deny, or too feeble to believe, that the construction of the House of Commons, in former times, has not been considerably influenced by money,—that it has not been or is not likely to be the subject of pecuniary bargain between the candidate and the constituent—will differ from me in my conclusion. But he who believes, as I do, that a system of bribery and corruption prevails almost universally, with the tacit consent, at least, of those who ought and are able to correct it if they think it a bad one, will never consent to inflict special penalties on persons, who are no way distinguished from their neighbours, but by the accident of being caught. You suffer the snare to exist, and you punish the unwary offender, who happens to be taken in by it. But is he any worse than the multitudes who escape? If you believe that the commodity in question is every day bought and sold by wholesale,

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by rich and eminent persons, in all parts of the kingdom, will you punish a few poor, ill-educated men, for endeavouring to take their share in the same traffick, and for doing in retail, and with much stronger temptations, what their betters are doing in gross? The poor man takes the bribe. Against him you are severe. The rich man offers it. Of him you take no notice. Gentlemen, I think, should look a little to their consciences before they venture to assume the office of judge in this case. A good deal has been said by gentlemen who oppose the bill, of the want of legal proofs in the present instance, and the difficulty of obtaining such evidence as would justify the House in passing a bill of pains and penalties. For my part, Sir, I lay all those considerations out of the question. I take it for granted, that the particulars stated in the report of your Committee are well founded. If I had heard every instance of the corruptions in question proved specifically at your bar—if I had seen the electors of Stockbridge take the money—it would make no difference in my opinion of this bill. You cannot punish, when you refuse or neglect to reform. The abuse is general and notorious. The instance you prohibit is nothing but a sample of the practice you permit. Do you think that, by disfranchising these individuals, the principal end of penal justice will in any degree be obtained? Do you believe it will deter others, either high or low, from selling their interests or their votes in other places, or at this place at a future election? You know it will not. All the effect, to be expected from such a measure as this, is to make other persons, in a similar situation, a little more cautious in the form of their proceedings, a little more dextrous in the management of their corrupt engagements, and more careful of exposing themselves to be detected. Under pretence of punishing bribery in a particular case, all you do is to teach the lesson and inculcate the necessity, of acting with deeper fraud on other occasions. If there be any truth in these reflections; if it be admitted, as I think it must, in the mind of every man, that this bill, whether just or not in its immediate application, will not deter others; I then should be glad to know, in what sense our having recourse to such a measure can be of any advantage to the public. On my principles, and according to my view of the subject, nothing can be more injurious to the public service than to hold out to the people the appearance of parliamentary vigour, in particular instances of corruption, when, in fact, we are indifferent about the whole system, and suffer it to take its course without interruption or notice. The effect of these pretended remedies, these occasional palliatives, I fear, will be to lull and stupify the people, already too dull and indifferent, on the subject of parliamentary reform, and to deprive us of any chance of a real effective remedy. Believing, as I do, that a complete alteration in the construction of the House of Commons is indispensably necessary to the preservation of the constitution, I never will concur in any measure that tends to throw a veil over the general abuse, or to encourage the people in thinking that a general comprehensive remedy for a universal and rooted evil may be delayed with safety. For my part, Sir, I seriously and solemnly declare, that, considering all the circumstances of our situation, I think it would be ultimately more advantageous to the country, that the abuse, of which we have now one solitary example before us, should be suffered to grow and increase, as it has done, rather than resort to the useless checks of such occasional bills as this; for then, perhaps, a time may come, when the evil may cure itself, or when the public shame and scandal of the present mode of election may become so gross and enormous, that this House may at last be compelled to put an end to it.

Mr. *Powys* disclaimed all the sentiments he had just heard, and begged it to be understood, that he voted against the bill, not on any theoretic ideas of general reform, but on the insufficiency of the evidence in this specific case.

The question being put, That the said debate be adjourned till this day three months, the House divided: Yeas, 18; Noes, 19. Leave was then given to bring in the bill.

April 11. A petition was presented from several electors of Stockbridge, complaining of the injury which their property would sustain if the bill then depending in the House, extending to the freeholders of the adjacent hundreds the right of voting for members to represent the said borough in parliament, which

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right was at present confined to householders paying scot and lot, should pass into a law; and praying that they might be heard by their counsel against the said bill. A motion was made, "that the petition should lie upon the table, and that on the second reading of the bill to which it referred, the petitioners should be heard by their counsel against the same."

Mr. *Eliot* considered the prayer of this petition to be extremely indecent, as it went the length of insinuating, that the right of voting for members to sit in parliament was a matter of property, and that the legislature ought not to pass a law, however necessary it might be to the purity of representation, because forsooth, what the electors very indecently called their property, would be injured by it. The fact was, the right of voting was a trust, and whenever it was evident that it was grossly abused, it was a duty incumbent on parliament to guard against a repetition of the abuse, and to attend solely to the public good, regardless of private considerations. Irresistible evidence had been given in the committee appointed to try the merits of the last election for Stockbridge, of gross and notorious bribery and corruption practised at the same; so that the committee had directed that a motion should be made in the House for leave to bring in a bill for disfranchising 62 electors of that borough, and for extending to others the right of election. Under these circumstances, he considered it to be his duty to refuse to hear the petitioners by their counsel against the disfranchising bill, which the House had ordered in, and which was to be this day read a second time. He moved by way of amendment, that the words, 'and that the petitioners be heard by their counsel, &c.' be left out.

Mr. *Martin* considered the elective franchise as a trust, and not as a matter of property, and therefore hoped the House would not grant the prayer of the petitioners.

Mr. *Hussey* thought that the elective franchise, when attached to a house, rendered that house more valuable than it could be without it; and consequently, that to strip it of that valuable appendage must be an injury to the proprietor. It was laudable in a man to acquire property in a house which would give its owner or inhabitant the right of voting; and the man who should be deprived of that right might complain, that both his property and importance would be thereby diminished. One of the best plans for a parliamentary reform that had ever been laid before the House, was formed on the principle, that the elective franchise in boroughs was a matter of property, and on that ground it went to provide for the purchase of all burgage tenures. With respect to the petitioners, he thought the House could not in justice or decency refuse to hear what they had to say.

The House divided: For the amendment, 12; Against it, 39.

The bill against which the petition was presented, was, according to the order of the day, to be read a second time. To oppose the second reading Mr. Piggot and Mr. Douglas appeared at the bar as counsel for the petitioners. The former gentleman first addressed the House, and having proceeded for half an hour in his speech, he was interrupted by Mr. Hussey, who moved that the counsel should withdraw; and the reason he assigned for this motion was, that the arguments which the learned gentleman was using was of too much importance to be addressed to almost empty benches; they were well entitled to the consideration of a full House; and to urge them then, when so few members were present, could be of little use to the parties concerned. He desired that the House might be counted; it was accordingly counted, and only 31 members being present, an adjournment took place.

May 3. Mr. *Rose* moved, "That the order for the second reading of the Stockbridge Incapacitating bill on Monday next, should be read;" which being done, he stated himself to be an enemy, in general, to all bills of pains and penalties. In the present case the bill went to disqualify upwards of sixty electors of Stockbridge, against none of whom was any direct proof of bribery or corruption brought home by the evidence. He disapproved entirely of the principle of the bill, and would therefore move that the said order be discharged.

Mr. *Francis* said, he congratulated the independent electors of Stockbridge, on the powerful security now held out to them, in the respectable protection of the secretary of the treasury, who had frankly declared himself an enemy in general to all bills of pains and penalties for bribery and corruption. On such a subject, the hon. gentleman's authority was great, for

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his experience must be considerable, and his knowledge extensive. The cause and the patron had a natural relation, and were perfectly worthy of one another. He should agree in the motion for discharging the order, though not for any of the reasons assigned by the worthy secretary. He had no sort of doubt of the guilt of the persons named in the bill, nor of the corrupt character of the whole borough; but as he was sure that the disease, of which the practice at Stockbridge was nothing but a symptom prevailed universally through the kingdom, he thought it equally inconsistent with his personal honour and public duty, to make himself a party to partial correctives for general abuses, even if the correctives were real and effective, as far as they went; and much more so, to false and hypocritical remedies for a real deep, and rooted evil; for an evil which might be, and ought to be eradicated, but which otherwise, in its nature, was incapable of being cured.

The question being put, that the said order be discharged, the House divided.

TELLERS.

YEAS	Mr. Rose - - - - Mr. Pole Carew - -	53
NOES	Sir Francis Basset - Mr. Thomas Thompson	27

So it was resolved in the affirmative. It was then ordered, that the said bill be read a second time upon this day three months.

Debate in the Commons on the Sheffield Petition for a Reform in Parliament]. May 2. Mr. Duncombe offered to present the following petition:

To the honourable the Commons of Great Britain in Parliament assembled. The Petition of the inhabitants of the town and neighbourhood of Sheffield,

"Sheweth; That the House of Commons is not, in the just sense of the words what your petitioners are from form, obliged to term it, viz. 'The Commons of Great 'Britain in Parliament assembled,' not being freely elected by a majority of the whole people, but by a very small portion thereof: and that from the partial manner in which members are sent to parliament, and their long continuance there, they are not the real, fair, and independent representatives of the whole people of Great Britain.

"Your petitioners are lovers of peace, of liberty, and justice. They are in general tradesmen and artificers, unpossessed of freehold land, and consequently have no voice in choosing members to sit in parliament;—but though they may not be freeholders, they are men, and do not think themselves fairly used in being excluded the rights of citizens. Their all is at stake equally with the freeholder's; and whether that all be much, or little, whilst they pay their full share of taxes, and are peaceable and loyal members of society, they see no reason why they should not be consulted with respect to the common interests of their common country. They think men are objects of representation, and not the land of a freeholder, or the houses of a borough-monger.

"It is not merely because heavy and grievous taxes oppress them, that your petitioners pray for the reform of abuses, which are too notorious to be denied by the most prejudiced: It is as much on account of the application of the money, as of the money itself, for which they are concerned. They love their country, and would contribute a portion of their last shilling to its support, were they sure that every shilling paid was well expended. They pray also for the correction of this abuse, because they are convinced that upon it depend the peace, happiness, and prosperity of their country.

"That your petitioners wish the House of Commons to become the true representative, or judgment of the Commons of Great Britain, and the undoubted guardian of the interests of the people. That the delegates and their constituents may feel one common interest, members of parliament should be chosen for short terms; and descending from their delegated station, mix again with the people by whom they were chosen.

"That the voice of the great body of the people ought not to be smothered by the voice of a partial interest; but should be fairly and fully heard; as nothing short of this will do away that unhappy spirit of discontent which so generally prevails in our country; and this done, neither proclamations nor prosecutions will be necessary to secure its tranquillity and peace.

"Your petitioners therefore, relying with the greatest confidence on the virtue of some, and on the candour, good sense, prudence and justice of all, hope this honourable House will take these premises into their most serious consideration, and

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adopt such a plan of effectual reform in the representation of the Commons in parliament, and of the duration of the same, as to their wisdom shall seem proper."

Mr. *Duncombe* stated, that although he presented this petition, he did not approve of the manner in which it had been worded he had said so to those who desired him to present it, but they were determined it should be presented, and he did so in compliance with their wishes. He said he had presented several petitions for a parliamentary reform; and to a temperate reform he had always been, and still was, a friend, but he would not go the length which seemed to be the object of this petition—a representation from population alone. We had too much reason to dissent from such a plan, from the confusion and anarchy of France. But, however, as far as the words of this petition were to be considered, he begged leave to tell the House, that the petitioners were only manufacturers, and not very well acquainted with the language required for addressing the House, and that circumstance he trusted would be an extenuation of their fault. He then moved, "That the said petition be brought up."

Mr. *Ryder* opposed the bringing up of the petition, on the ground that it was not worded in a manner sufficiently respectful to that House, and that they could not, consistently with their own dignity, receive it.

Mr. *Francis* observed, that no hon. gentleman had pointed out any one disrespectful expression contained in the petition. It had been said, that the prayer was not objected to; but how was it possible to pray for a reform in the representation of the people in parliament, without using terms in the body of the petition, which might be construed, by ingenious men, into disrespect for the House? In his opinion, it would be but fair in gentlemen to state the passages which appeared to them so highly objectionable.

Mr. *Ryder* explained, that his objection did not go to the prayer of the petition; but it appeared to him, that what was said by the petitioners, in the beginning of the petition that that House was not in fact, what they were obliged, in form, to term them, was so highly disrespectful to the House, that they would altogether lose sight of what was due to their own dignity, if they should allow the petition to be brought up.

Mr. *Grey* said, he had hoped that the hon. gentleman would not have confined himself to the general objection which he had mentioned, but would have pointed out some specific expressions, particularly indecent and disrespectful to the House. The petition from Nottingham had been alluded to, and it had been said that, if no difference could be shown between that petition and it, the present ought to share the same fate that it had done. He, for one, did certainly think that the Nottingham petition ought to have been received; but, on the supposition that the rejection of that petition had been right, it was surely incumbent on those who, on the ground of that precedent, opposed the present petition, to point out the particular expressions in it, which are similar to those which had been supposed objectionable in the Nottingham petition. He could see nothing disrespectful in this petition—nothing for which he thought it necessary to state an extenuation. If any thing contained in it should be so construed, and the petition, on that account, rejected, gentlemen might say, as they pleased, that the people had a right to petition for a reform of the representation in parliament; but they would deny to them, in the same breath, the power of exercising such right. Did he conceive that the House of Commons was at this moment, in a just sense of the word, a proper representation of the people in parliament, he would not certainly bring forward that motion, of which he had given notice. Had the petitioners been of that opinion, they would not have petitioned the House. With what decency could hon. gentlemen say, that those sentiments and expressions were indecent and disrespectful to that House, which they themselves had, over and over again, expressed to their constituents? The right hon. gentleman opposite (Mr. Pitt) had done so; a noble duke (Richmond) had done so also. Petitions, too, for the same purpose with the present, and couched in language no less strong, had been on former occasions presented and received by the House. Were they then to tell the people, that, instead of acting upon one uniform rule of right and justice, they were to be regulated by whim, or by what might be convenient at the time, to the interest of certain persons? Nothing was so essential to the procuring respect to that House, as consistency in its proceedings and nothing could be so derogatory to its dig-

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nity, as to encourage the people to state fairly their grievances, and then, when they did come forward with a fair statement, to turn short round upon them, and refuse to receive their petitions, upon a little inaccuracy of expression. He must therefore give his vote for receiving the petition.

Mr. *Wilberforce* said, that it appeared to him that the hon. gentleman had confounded two things which were perfectly distinct; and upon that very distinction he grounded his sentiments with respect to this petition. The hon. gentleman seemed to suppose, that the petitioners must have a right to state in their petition whatever he might speak in his place in the House, and in the same terms. To this doctrine it was impossible for him to subscribe. Liberty of speech and freedom of discussion in that House, formed an essential part of the constitution; but it was necessary that persons coming forward as petitioners, should address the House in decent and respectful language. In saying this, he stood up, not for the dignity of the House only, but for that of the whole Commons of Great Britain. Those who wished that any respect should be paid to that House, were called upon to give the most determined opposition to what rather seemed to be a systematic design of presenting petitions to the House, couched in the most indecent and disrespectful language, for the purpose of trying how far they would bear with such insults, and perhaps even with the view of their being rejected. This, he conceived, was not more injurious to the House than to all those who wished for a moderate reform; for what could tend more to confound those who aimed at reform of any kind, with those who wished to upset the constitution and with the people who were commonly called jacobins? Though member for the county from whence the petition came, he thought it so highly indecent and disrespectful to the House, that he felt he could not do otherwise than vote against its being received.

Mr. *Lambton* said, that any diffidence which the petitioners might have expressed as to the hon. gentleman who spoke last, or his colleague, presenting their petition, he must presume to have been rather the effect of their total silence last year, with respect to the subject of it, than from any idea of its containing expressions disrespectful to the House. He wished that the hon. gentleman would point out any expressions of disrespect in it. The petition had been said to come from ignorant tradesmen; if so, polished language was hardly to be expected; but why did not the hon. gentleman and his colleague advise them to soften any expression which seemed to them improper? He must conclude they had not done so, because they wished the petition to be rejected.

Mr. *Fox* said, that on a subject of this kind, he could not consent to give a silent vote. If the question was at that moment, whether the prayer of the petition should be granted, he would not hesitate to say that he would give it the most direct and unqualified negative; for, however he might have been misrepresented out of doors, there was not in the kingdom a more steady and decided enemy to general and universal representation, than himself. But as the question was not at present that the House should comply with the prayer, but merely that it should receive the petition, his vote should be of a very different kind; for he must strongly support the motion for bringing it up. He did not deny that the House might with propriety reject a petition, on account of disrespectful language, but he never remembered more than one, which in his opinion ought to have been rejected on such an account, if it had been in the power of the House to reject it; and that was the petition presented, by Mr. Horne Tooke, against the last election for the city of Westminster.* But as it was a petition complaining of an undue election, the House had no discretionary power, for it was obliged by law to receive it. Under any other circumstances, a petition containing similar language ought to be rejected, because the language was not used for the purpose of supporting the prayer; but the prayer was made solely for the purpose of affording the petitioner an opportunity to libel the House of Commons. Mr. Fox said, that the rule which governed his conduct as to the admission or rejection of petitions was this; if the introductory matter was irrelevant to the prayer, he thought the petition ought to be received, although the language might be offensive in which that matter was enforced; but if the introductory matter was irrelevant to the prayer, and conveyed insult or libel, he in that case would not hesitate to vote for its rejection. Without such a distinction as this, he did not

* See Vol. 28, p. 981.

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see how a petition for a reform in parliament could ever be admitted; for it must state that the House was not pure, or that it was corrupt, or that it did not fully represent the people. If these assertions were not true, there could be no ground for an application for reform, and if petitions containing them were to be rejected, because such assertions attacked the character or the authority of the House, then there was an end of all hope of reform; and, what was more, there was an end of the right of the subject to petition; for if to state his grievance was a libel, the more real that grievance, the less he must venture to state it, and consequently it must remain unredressed.—In the opinion of some men, the right of the subject to petition was so sacred, that nothing contained in the petition could warrant the rejection of it. He remembered particularly that a noble and learned lord, now holding the high office of chancellor (lord Loughborough), asserted many years ago in the House of Commons, that so extensive and absolute was the power, and so undeniable the right of the subject to petition King, Lords, and Commons that however offensive or even treasonable the matter of it might be, neither could the petition be rejected, nor the parties presenting it be tried or punished for the contents. This argument was maintained on an occasion when the learned lord to whom he had alluded, was defending the famous remonstrance of the city of London to the king,* in which his majesty was prayed to dissolve his then parliament: the remonstrance went so far as to state, that the House of Commons, by its decision in the case of the Middlesex election, had forfeited all power and authority, that its acts were not valid, and that the subjects were not bound to obey them; this was striking at the root of all order and government; and yet the learned lord had defended the remonstrance on this ground, that the subject having a right to petition for a particular object, he must have a right to urge every thing relative to that object; and as the object in this case was to procure a dissolution of parliament, the city of London was warranted in saying that it ought to be dissolved, because it had ceased, in the opinion of the city, to be a legal parliament, and to keep it sitting and making acts which the people were not bound to obey, must be productive of the most fatal consequences to the public peace.—Mr. Fox said, he did not mean to adopt the the learned lord's doctrine to its utmost extent, for he believed it was too far strained; but he quoted it to show, that in the opinion of a person now high in his majesty's counsels, the right of petitioning was so sacred, that it was not to be defeated under the pretence that it was not exercised in this or that form, or with this or that degree of respect. Applying this doctrine to the present case, he said the petition ought not to be rejected, even though it should in the most unqualified terms, deny the House to be the genuine representative of the people for if there was a defect in the representation, if any who ought to be represented were unrepresented, the fact could not be stated without its being stated at the same time, that the House did not fully represent the people; without making this out, there could be no ground for a reform; and if it was asserted and made out, then the House, according to the doctrines which he had that day heard, must reject the application as disrespectful: this surely, would be an absurdity of the grossest kind, and the admission of such a principle was the more fatal, as it necessarily perpetuated abuses, and rendered a redress of grievances impossible.—As he had never seen the petition which was now the subject of discussion, he could not say decidedly that there were no objectionable parts in it; but if the objection was limited to the first part of the petition, he was so far from thinking it disrespectful, that he thought it absolutely necessary, in support of the prayer of the petition, for the petitioners to state, that the House of Commons is not virtually, and, in the just sense of the word, the true representative of the people of England. It had been said, that there was a material distinction between the language which might be spoken in the course of debate in that House, and the language which was proper and decent to be made use of in petitions. It had been said, that freedom of speech was an essential part of the constitution. But was not the freedom of petitioning equally so? And, if so, might not petitioners state their grievances in strong terms? He could not see with what propriety this petition could be rejected, unless they were to say that they would reject all petitions praying for universal personal representation; for his part, he

* See Vol. 16, p. 874.

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would not refuse to admit them, because he did not conceive himself entitled so to do, though he was pretty well assured that he could never agree to such a proposition.—It was a matter of surprise to him, he said, that an objection should be started to the petition then under consideration by those who had voted for the reception of the Nottinghamshire petition in 1785; for the latter was, in his mind the most dangerous that had ever been presented: it was levelled against the constitution in general; for it stated, that the petitioners had been taught that all the former prosperity of the kingdom had proceeded from a happy constitution; but that being awakened from their dream, they found that the very frame of the constitution was decayed, and that the happiness of former times was the effect of a better spirit in the people, and not of their constitution. It might be asked, he said, after all this, whether he thought any petition could be so framed as that it would be proper for the House to reject it? His answer was, as he had said before, that if the introductory matter was disrespectful, and not relevant to the prayer, he would not hesitate to reject it; but, if it was relevant, he would not be over nice in examining and weighing words; on the contrary, he would be inclined to overlook offensive terms, if they conveyed truth, however disagreeable, and tended to enforce the prayer of the petition. If the House was to show itself over delicate on such occasions, and reject a proper prayer, merely because it was supported by arguments not over pleasing to the feelings of the members, the consequence might be fatal to the constitution itself; for the House would cease to be loved and respected by the people; for want of the people's love and respect it must become impotent as against the crown; and the crown would become impotent also, and lose the power of restraining violence and anarchy. He would, therefore, lay it down as a rule, that no petition ought to be rejected, unless it was evident that the introductory arguments were inserted for the express purpose of insulting the House. The right hon. the chancellor of the exchequer had, in other times and in other situations, professed himself a friend to parliamentary reform; why he should not be a friend to such a measure in the present times, he was unable to conceive. After the many and unanimous declarations of attachment to the constitution echoed from every part of the kingdom, it was not to be supposed that there could be any where an intention to subvert it; at least, if there was, there was not a shadow of success: this was, therefore, a time when looseness in the wording of a petition might well be overlooked; but if, instead of that, the House should be disposed scrupulously to weigh words, and to find them disrespectful, without evidence that the disrespect was intentional, the consequence would be, that the people would despair of ever obtaining a redress of their grievances from an assembly that was too obstinate even to hear those grievances stated. In his opinion, there was nothing so likely to persuade the people that they had few grievances, as for the House to show themselves willing to investigate them. There was, somehow or other, an idea of a different kind always entertained by the people, when their superiors seemed averse to listen to their complaints. He would therefore conclude with giving his hearty vote for bringing up the petition.

Mr. Secretary *Dundas* conceived the petition to be highly indecent and disrespectful: it seemed to him to be just the same as if a person going to petition his majesty, with the crown upon his head, should say to his majesty, that seeing him wear the crown, he was obliged, in point of form, to petition him, but that he must tell him he had no right to wear it; or if, in presenting a petition to the House of Lords, he should tell their lordships, that he knew they had no right to sit in that House. In his opinion, the House would shew rather a bad taste, if they received such a petition. It seemed to him as if the petitioners had had a desire to offer something to the House which they would be under the necessity of rejecting. He must therefore give his vote for rejecting this petition; which he should do with the less reluctance, because the petitioners could present a petition next day to the very same effect, stating their grievances with no less precision, and at the same time in such terms, that the House could have no difficulty in receiving it.

Mr. *Sheridan* said, that the Nottingham petition was much stronger than the present. He suspected that the objection to the roughness of the language was not the real cause why this petition was opposed; he was confirmed in this opinion, by a recollection of the conduct of

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the chancellor of the exchequer, at the time of presenting the Nottingham petition. Whether the petition could have been better worded to please some hon. members was foreign from the present subject; but for the petitioners to have expressed their thoughts better was impossible. They said that the House of Commons was not, in the just sense of the words, what they were, from form, obliged to term it—the Commons of Great Britain in parliament assembled. Would the right hon. gentleman say it was? These things considered, in his opinion, there was not a more respectful style to be adopted, consistently with the spirit of the petition, the nature of the grievance it complained of, and the remedy it called for. The language of the petition was correct; and he would ask those who objected to it, to prove it was not true; the fact was, that they felt sincerely the truth of it.

Mr. *Bouverie* said, he always had been for receiving petitions, but not for insulting that House. The petitioners in this case had only stated a grievance, which ought in his opinion to be attended to. Perhaps it might have been more properly worded; but he did not see any thing to induce him to vote for its rejection.

Mr. *Pitt* said, that when the question came to be agitated, he should submit to the House his reasons why he thought that a parliamentary reform, in whatever shape it might come, should be opposed at the present time. The question before the House was, whether the petition presented to them was such as they ought to receive, and whether it did not contain matter of evident disrespect to the House? The expressions which had been complained of were clearly unnecessarily introduced; and that of itself appeared to him to be a reason for thinking that the disrespect was intentional. He should therefore oppose the bringing up of this petition.

Mr. *Whitbread* saw no reason for rejecting this petition. The petitioners allowed that the present House had the power to proceed to the redress of the grievances complained of, by originating a bill for that purpose. The petitioners had a right to address that House, and in the language of the present petition; for if the grievance was not to be stated, the remedy could not be applied.

On the question, That the said petition be brought up, the House divided:

	Tellers.	
Yeas	Mr. Sheridan Mr. Grey	29
Noes	Mr. Ryder Mr. Pole Carew	108

So it passed in the negative.

Motion for bringing up a printed Petition from Norwich.] May 6. Petitions for a Reform in Parliament were this day presented from Westminster, Suffolk, Poole, the parish of Aldgate, Warwick, Huddersfield, Dundee, Paisley, Montrose, Kilmarnock, Kirkaldy, Newmilns, Perth, Edinburgh, Dunfermline, Irvine, Strathaven, Galston, Roxborough, Linlithgow, Anstruther, and Nottingham.

Mr. *Hobart* stated, that he held in his hand a petition for parliamentary reform signed by upwards of 3,700 inhabitants of the city of Norwich; but he doubted whether it could be received as the names were subscribed to a printed copy of the petition, in breach of the orders of the House.—On the motion, that the said petition be brought up,

The *Speaker* stated, that on the 23d of September 1656, the House resolved, "That no private petition, to be directed to the parliament, be printed before the same be read in the House;" and on the 1st of December in the same year, the House ordered, "That the order against printing private petitions before they are presented to this House, be duly observed: and that the serjeant attending this House shall seize upon such printed petitions, in the hands of any person that shall deliver or disperse the same." He thought it right to call the attention of the House to the time at which the order was made, being during the usurpation of Cromwell, and also to this circumstance, that it was not in the form of a standing order; but he added, at the same time, that it had been the practice and rule of the House to decline receiving any petition, either private or public, that had been previously printed; at least he believed, and had been informed, that no printed petition had ever been received.

Mr. *Burke* said, it seemed to deserve much consideration whether the House would do right in receiving a petition which had been circulated in print for the purpose of influencing the country, and only came there in the second instance, particularly when it was contrary to practice so to do: for he would not rest much on the order.

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Mr. *Grey* observed, that the order, if at all to be regarded, related only to private petitions, and that, although the signatures in this case were subjoined to a printed petition, yet it did not appear that the petition had been circulated.

Mr. *Fox* said, that he could not go the length of saying that the House were not bound by any orders made during the usurpation; but in this case there was no standing order. The reason and sense of the thing did not so much apply to a petition coming to the House in print, as to the fact, whether it had been previously printed and circulated. It was notorious, however, that almost in every private bill the petitions were printed and often advertised in the newspapers, before they came to be presented to the House. In his opinion negative precedents were of little consequence, and he would therefore give his vote for bringing up the petition.

Mr. *Burke* explained, that, in his opinion, the petition coming printed before the House made a material difference, because many things might be done abroad, out of that House, which they could not be acquainted with.

Mr. *Pitt* thought the House could not suffer the petition to be brought up without departing from usage. It had been said, that many of the petitions had come from the same shop; and had this mode been conceived to be regular and proper, it would, no doubt, have been adopted with regard to other petitions, and they would probably have come from the same press. With regard to publishing petitions in the newspapers, the House perhaps might be ignorant of its having been done, and it might have been done without the knowledge of the parties. Upon the whole, he must oppose the bringing up the petition.

Mr. *Sheridan* was of opinion that the petition ought to be received; but at the same time, as it seemed a little doubtful, and in order that the important business which was to come on, might not be delayed, he was induced to wish that the motion for bringing up the petition should be withdrawn.

This was accordingly done.

Debate on Mr. Grey's Motion for a Reform in Parliament.] Mr. Grey then presented the following Petition, signed by the members of the society of The Friends of the People, associated for the purpose of obtaining a Parliamentary Reform:

To the Honourable the Commons of Great Britain, in Parliament assembled.

The humble Petition, &c. sheweth;—That, by the form and spirit of the British constitution, the king is vested with the sole executive power.

That the House of Lords consists of lords spiritual and temporal, deriving their titles and consequence either from the Crown, or from hereditary privileges.

That these two powers, if they acted without control, would form either a despotic monarchy, or a dangerous oligarchy.

That the wisdom of our ancestors hath contrived that these authorities may be rendered not only harmless, but beneficial, and be exercised for the security and happiness of the people.

That this security and happiness are to be looked for in the introduction of a third estate, distinct from, and a check upon, the other two branches of the legislature; created by, representing, and responsible to, the people themselves.

That so much depending upon the preservation of this third estate, in such its constitutional purity and strength, your petitioners are reasonably jealous of whatever may appear to vitiate the one or to impair the other.

That at the present day the House of Commons does not fully and fairly represent the people of England, which consistently with what your petitioners conceive to be the principles of the constitution, they consider as a grievance, and therefore, with all becoming respect, lay their complaints before your honourable House.

That though the terms in which your petitioners state their grievance may be looked upon as strong, yet your honourable House is entreated to believe that no expression is made use of for the purpose of offence.

Your petitioners in affirming that your honourable House is not an adequate representation of the people of England, do but state a fact, which, if the word "representation" be accepted in its fair and obvious sense, they are ready to prove, and which they think detrimental to their interests, and contrary to the spirit of the constitution.

How far this inadequate representation is prejudicial to their interests, your petitioners apprehend they may be allowed to decide for themselves; but how far it is contrary to the spirit of the constitution, they refer to the consideration of your honourable House.

If your honourable House shall be pleased to determine that the people of England ought not to be fully represented, your petitioners pray that such your determination may be made known, to the end that the people may be apprized of their real situation; but if your honourable House shall conceive that the people are already fully represented, then your petitioners beg leave to call your attention to the following facts:

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Your petitioners complain, that the number of representatives assigned to the different counties is grossly disproportioned to their comparative extent, population, and trade.

Your petitioners complain, that the elective franchise is so partially and unequally distributed, and is in so many instances committed to bodies of men of such very limited numbers, that the majority of your honourable House, is elected by less than fifteen thousand electors, which, even if the male adults in the kingdom be estimated at so low a number as three millions, is not more than the two hundredth part of the people to be represented.

Your petitioners complain, that the right of voting is regulated by no uniform or rational principle.

Your petitioners complain, that the exercise of the elective franchise is only renewed once in seven years.

Your petitioners thus distinctly state the subject matter of their complaints, that your honourable House may be convinced that they are acting from no spirit of general discontent, and that you may with the more ease be enabled to inquire into the facts, and to apply the remedy.

For the evidence in support of the first complaint, your petitioners refer to the return book of your honourable House.—Is it fitting, that Rutland and Yorkshire should bear an equal rank in the scale of county representation; or can it be right, that Cornwall alone should, by its extravagant proportion of borough members, outnumber not only the representatives of Yorkshire and Rutland together, but of Middlesex added to them? Or, if a distinction be taken between the landed and the trading interests, must it not appear monstrous that Cornwall and Wiltshire should send more borough members to parliament, than Yorkshire, Lancashire, Warwickshire, Middlesex, Worcestershire, and Somersetshire united? and that the total representation of all Scotland should but exceed by one member, the number returned for a single county in England?

The second complaint of your petitioners, is founded on the unequal proportions in which the elective franchise is distributed, and in support of it,

They affirm, that seventy of your honourable members are returned by thirty-five places, where the right of voting is vested in burgage and other tenures of a similar description, and in which it would be to trifle with the patience of your honourable House, to mention any number of voters whatever, the elections at the places alluded to being notoriously a mere matter of form. And this your petitioners are ready to prove.

They affirm, that in addition to the seventy honourable members so chosen, ninety more of your honourable members are elected by forty six places, in none of which the number of voters exceeds fifty. And this your petitioners are ready to prove.

They affirm, that in addition to the hundred and sixty so elected, thirty-seven more of your honourable members are elected by nineteen places, in none of which the number of voters exceeds one hundred. And this your petitioners are ready to prove.

They affirm, that in addition to the hundred and ninety-seven honourable members so chosen, fifty-two more are returned to serve in Parliament by twenty-six places, in none of which the number of voters exceed two hundred. And this your petitioners are ready to prove.

They affirm, that in addition to the two hundred and forty-nine so elected, twenty more are returned to serve in parliament for counties in Scotland, by less than one hundred electors each, and ten for counties in Scotland by less than two hundred and fifty each. And this your petitioners are ready to prove, even admitting the validity of fictitious votes.

They affirm, that in addition to the two hundred and seventy-nine so elected, thirteen districts of burghs of Scotland, not containing one hundred voters each, and two districts of burghs, not containing one hundred and twenty-five each, return fifteen more honourable members. And this your petitioners are ready to prove.

And in this manner, according to the present state of the representation, two hundred and ninety-four of your honourable members are chosen, and, being a majority of the entire House of Commons, are enabled to decide all questions in the name of the whole people of England and Scotland.

The third complaint of your petitioners is founded on the present complicated rights of voting. From the caprice with which they have been varied, and the obscurity in which they have become involved by time and contradictory decisions, they are become a source of infinite confusion, litigation, and expense.

Your petitioners need not tender any evidence of the inconveniences which arise from this defect in the representation, because the proof is to be found in your Journals, and the minutes of the different committees who have been appointed under the 10th and 11th of the king. Your honourable House is but too well acquainted with the tedious, intricate, and expensive scenes of litigation which have been brought before you, in attempting to settle the legal import of those numerous distinctions which perplex and confound the present rights of voting. How many months of your valuable time have been wasted in listening to the wrangling of lawyers upon the various species of burgageheld, leasehold, and freehold! How many committees have been occupied in investigating the nature of scot and lot, potwallers, commonalty, populacy, resiant inhabitants, and inhabitants at large! What labour and research have been employed in endeavouring to ascertain the legal claims of borough-men, aldermen, port-

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men, select-men, burgesses, and council-men! And what confusion has arisen from the complicated operation of clashing charters, from freemen resident and non-resident, and from the different modes of obtaining the freedom of corporations by birth, by servitude, by marriage, by redemption, by election, and by purchase! On all these points it is, however, needless for your petitioners to enlarge, when your honourable House recollects the following facts: namely, that since the twenty-second of December, 1790, no less than twenty-one committees have been employed in deciding upon litigated rights of voting. Of these, eight were occupied with the disputes of three boroughs, and there are petitions from four places yet remaining before your honourable House, waiting for a final decision to inform the electors what their rights really are.

But the complaint of your petitioners on the subject of the want of an uniform and equitable principle in regulating the right of voting, extends as well to the arbitrary manner in which some are excluded, as to the intricate qualifications by which others are admitted to the exercise of that privilege.

Religious opinions create an incapacity to vote. All Papists are excluded generally, and, by the operation of the test laws, Protestant Dissenters are deprived of a voice in the election of representatives in about thirty boroughs, where the right of voting is confined to corporate officers alone; a deprivation the more unjustifiable, because, though considered as unworthy to vote, they are deemed capable of being elected, and may be the representatives of the very places for which they are disqualified from being the electors.

A man possessed of one thousand pounds per annum, or any other sum, arising from copyhold, leasehold for ninety-nine years, trade, property in the public funds, or even freehold in the city of London, and many other cities and towns having peculiar jurisdictions, is not thereby entitled to vote. Here again a strange distinction is taken between electing and representing, as a copyhold is a sufficient qualification to sit in your honourable House.

A man paying taxes to any amount, how great soever, for his domestic establishment, does not thereby obtain a right to vote, unless his residence be in some borough where that right is vested in the inhabitants. This exception operates in sixty places, of which twenty-eight do not contain three hundred voters each, and the number of householders in England and Wales (exclusive of Scotland), who pay all taxes, is 714,911, and of householders who pay all taxes, but the House and window taxes, is 284,459, as appears by a return made to your honourable House in 1785; so that, even supposing the sixty places above mentioned to contain, one with another, one thousand voters in each, there will remain 939,370 householders who have no voice in the representation, unless they have obtained it by accident or by purchase. Neither their contributions to the public burthens, their peaceable demeanor as good subjects, nor their general respectability and merits as useful citizens, afford them, as the law now stands, the smallest pretensions to participate in the choice of those who, under the name of their representatives, may dispose of their fortunes and liberties.

In Scotland, the grievance arising from the nature of the rights of voting, has a different and still more intolerable operation. In that great and populous division of the kingdom, not only the great mass of the householders, but of the landholders also, are excluded from all participation in the choice of representatives. By the remains of the feudal system in the counties, the vote is severed from the land, and attached to what is called the superiority. In other words, it is taken from the substance, and transferred to the shadow, because, though each of these superiorities must, with very few exceptions, arise from lands of the present annual value of four hundred pounds sterling, yet it is not necessary that the lands should do more than give a name to the superiority, the possessor of which may retain the right of voting notwithstanding he be divested of the property. And on the other hand, great landholders have the means afforded them by the same system, of adding to their influence, without expense to themselves, by communicating to their confidential friends the privilege of electing members to serve in parliament. The process by which this operation is performed is simple. He who wishes to increase the number of his dependent votes, surrenders his charter to the Crown, and, parcelling out his estate into as many lots of four hundred pounds per annum, as may be convenient, conveys them to such as he can confide in. To these, new charters are, upon application, granted by the Crown, so as to erect each of them into a superiority, which privilege once obtained, the land itself is reconveyed to the original grantor; and thus the representatives of the landed interest in Scotland may be chosen by those who have no real or beneficial interest in the land.

Such is the situation in which the counties of Scotland are placed. With respect to the burghs, every thing that bears even the semblance of popular choice, has long been done away. The election of members to serve in parliament is vested in the magistrates and town councils, who, having by various innovations, constituted themselves into self-elected bodies, instead of officers freely chosen by the inhabitants at large, have deprived the people of all participation in that privilege, the free exercise of which affords the only security they can possess for the protection of their liberties and property.

The fourth and last complaint of your peti-

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tioners is the length of the duration of parliaments. Your honourable House knows, that by the ancient laws and statutes of this kingdom frequent parliaments ought to be held; and that the sixth of William and Mary, c. 2. (since repealed) speaking while the spirit of the revolution was yet warm, declared, that "frequent and new parliaments tend very much to the happy union and good agreement between king and people;" and enacted, that no parliament should last longer than three years. Your petitioners, without presuming to add to such an authority by any observations of their own, humbly pray that parliaments may not be continued for seven years.

Your petitioners have thus laid before you the specific grounds of complaint, from which they conceive every evil in the representation to spring, and on which they think every abuse and inconvenience is founded.

What those abuses are, and how great that inconvenience is, it becomes your petitioners to state, as the best means of justifying their present application to your honourable House.

Your petitioners then affirm, that from the combined operation of the defects they have pointed out, arise those scenes of confusion, litigation, and expense which so disgrace the name, and that extensive system of private patronage which is so repugnant to the spirit of free representation.

Your petitioners intreat of your honourable House to consider the manner in which elections are conducted, and to reflect upon the extreme inconvenience to which electors are exposed, and the intolerable expense to which candidates are subjected.

Your honourable House knows that tumults, disorders, outrages, and perjury, are too often the dreadful attendants on contested elections as at this time carried on.

Your honourable House knows that polls are only taken in one fixed place for each county, city, and borough, whether the number of voters be ten or ten thousand, and whether they be resident or dispersed over England.

Your honourable House knows that polls, however few the electors, may by law be continued for fifteen days, and even then be subjected to a scrutiny.

Your honourable House knows that the management and conduct of polls is committed to returning officers, who, from the very nature of the proceedings, must be invested with extensive and discretionary powers, and who, it appears by every volume of your Journals, have but too often exercised those powers with the most gross partiality and the most scandalous corruption.

Of elections arranged with such little regard to the accommodation of the parties, acknowledged to require such a length of time to complete, and trusted to the superintendance of such suspicious agents, your petitioners might easily draw out a detail of the expense. But it is unnecessary. The fact is too notorious to require proof, that scarce an instance can be produced where a member has obtained a disputed seat in parliament at a less cost than from two to five thousand pounds; particular cases are not wanting where ten times these sums have been paid; but it is sufficient for your petitioners to affirm, and to be able to prove it if denied, that such is the expense of a contested return, that he who should become a candidate with even greater funds than the law requires him to swear to as his qualification to sit in your honourable House, must either relinquish his pretensions on the appearance of an opposition, or so reduce his fortune in the contest, that he could not take his seat without perjury.

The revision of the original polls before the committees of your honourable House, upon appeals from the decisions of the returning officers, affords a fresh source of vexation and expense to all parties. Your honourable House knows, that the complicated rights of voting, and the shameful practices which disgrace election proceedings, have so loaded your table with petitions for judgment and redress, that one half of the usual duration of a parliament has scarcely been sufficient to settle who is entitled to sit for the other half; and it was not till within the last two months that your honourable House had an opportunity of discovering, that the two gentlemen who sat and voted near three years as the representatives of the borough of Stockbridge, had procured themselves to be elected by the most scandalous bribery, and that the two gentlemen, who sat and voted during as long a period for the borough of Great Grimsby, had not been elected at all.

In truth, all the mischiefs of the present system of representation are ascertained by the difficulties which even the zeal and wisdom of your honourable House experiences in attending to the variety of complaints brought before you. Though your committees sit five hours every day from the time of their appointment, they generally are unable to come to a decision in less than a fortnight, and very frequently are detained from thirty to forty days. The Westminster case in 1789, will even furnish your honourable House with an instance, where, after deliberating forty-five days, a committee gravely resolved, that, "from an attentive consideration of the circumstances relating to the cause, a final decision of the business before them could not take place in the course of the session, and that not improbably the whole of the parliament" (having at that time near two years longer to sit) "might be consumed in a tedious and expensive litigation;" and they recommended it to the petitioners to withdraw their petition, which, after a fruitless perseverance of above three months, they were actually obliged to submit to.

Your petitioners will only upon this subject further add, that the expense to each of the

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parties, who have been either plaintiff or defendant in petitions tried before your honourable House in the present session, has upon an average, amounted to above one hundred pounds per day; and that the attornies bills in one cause, the trial of which in point of form only lasted two days, and in point of fact only six hours, amounted to very near twelve hundred pounds. And this your petitioners are ready to prove.

Your petitioners must now beg leave to call the attention of your honourable House to the greatest evil produced by these defects in the representation of which they complain, namely, the extent of private parliamentary patronage; an abuse which obviously tends to exclude the great mass of the people from any substantial influence in the election of the House of Commons, and which, in its progress, threatens to usurp the sovereignty of the country, to the equal danger of the King, of the Lords, and of the Commons.

The patronage of which your petitioners complain, is of two kinds: That which arises from the unequal distribution of the elective franchise, and the peculiar rights of voting by which certain places return members to serve in parliaments; and that which arises from the expense attending contested elections, and the consequent degree of power acquired by wealth.

By these two means, a weight of parliamentary influence has been obtained by certain individuals, forbidden by the spirit of the laws, and in its consequences most dangerous to the liberties of the people of Great Britain.

The operation of the first species of patronage is direct, and subject to positive proof. Eighty-four individuals do, by their own immediate authority, send one hundred and fifty-seven of your honourable members to parliament. And this your petitioners are ready, if the fact be disputed, to prove, and to name the members and the patrons.

The second species of patronage cannot be shown with equal accuracy, though it is felt with equal force.

Your petitioners are convinced that, in addition to the one hundred and fifty-seven honourable members above mentioned, one hundred and fifty more, making in the whole three hundred and seven, are returned to your honourable House, not by the collected voice of those whom they appear to represent, but by the recommendation of seventy powerful individuals, added to the eighty-four before mentioned, and making the total number of patrons altogether only one hundred and fifty-four, who return a decided majority of your honourable House.

If your honourable House will accept as evidence the common report and general belief of the counties, cities, and boroughs, which return the members alluded to, your petitioners are ready to name them, and to prove the fact; or if the members in question can be made parties to the inquiry, your petitioners will name them, and be governed by the testimony which they themselves shall publicly give. But if neither of these proofs be thought consistent with the proceedings of your honourable House, then your petitioners can only assert their belief of the fact, which they hereby do in the most solemn manner, and on the most deliberate conviction.

Your petitioners intreat your honourable House to believe, that in complaining of this species of influence, it is not their intention or desire to decry or to condemn that just and natural attachment which they, who are enabled by their fortune, and inclined by their disposition, to apply great means to honourable and benevolent ends, will always insure to themselves. What your petitioners complain of is, that property, whether well or ill employed, has equal power; that the present system of representation gives to it a degree of weight which renders it independent of character; enables it to excite fear as well as procure respect, and confines the choice of electors within the ranks of opulence; because, though it cannot make riches the sole object of their affection and confidence, it can and does throw obstacles, almost insurmountable, in the way of every man who is not rich, and thereby secures to a select few the capability of becoming candidates themselves, or supporting the pretensions of others. Of this your petitioners complain loudly, because they conceive it to be highly unjust, that, while the language of the law requires from a candidate no greater estate, as a qualification, than a few hundred pounds per annum, the operation of the law should disqualify every man whose rental is not extended to thousands; and that, at the same time that the legislature appears to give the electors a choice from amongst those who possess a moderate and independent competence, it should virtually compel them to choose from amongst those who themselves abound in wealth, or are supported by the wealth of others.

Your petitioners are the more alarmed at the progress of private patronage, because it is rapidly leading to consequences which menace the very existence of the constitution.

At the commencement of every session of parliament, your honourable House acting up to the laudable jealousy of your predecessors, and speaking the pure, constitutional language of a British House of Commons, resolve, as appears by your journals, "that no peer of this realm hath any right to give his vote in the election of any member to serve in parliament;" and also, "that it is a high infringement upon the liberties and privileges of the Commons of Great Britain, for any lord of parliament or any lord lieutenant of any county, to concern themselves in the elections of members to serve for the Commons in parliament."

Your petitioners inform your honourable House, and are ready to prove it at your bar, that they have the most reasonable grounds

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to suspect that no less than one hundred and fifty of your honourable members owe their elections entirely to the interference of peers; and your petitioners are prepared to show by legal evidence, that forty peers, in defiance of your resolutions, have possessed themselves of so many burgage tenures, and obtained such an absolute and uncontrolled command in very many small boroughs in the kingdom, as to be enabled by their own positive authority to return eighty-one of your honourable members.

Your petitioners will, however, urge this grievance of the interference of peers in elections no farther, because they are satisfied that it is unnecessary. Numbers of your honourable members must individually have known the fact, but collectively your honourable House has undoubtedly been a stranger to it. It is now brought before you by those who tender evidence of the truth of what they assert, and they conceive it would be improper in them to ask that by petition, which must be looked for as the certain result of your own honourable attachment to your own liberties and privileges.

Your petitioners have thus laid before your honourable House, what the mischiefs are which arise from the present state of the representation, and what they conceive to be the grounds of those mischiefs, and therefore pray to have removed.

They now humbly beg leave to offer their reasons, why they are anxious that some remedy should be immediately applied.

Your petitioners trust they may be allowed to state, because they are ready to prove, that seats in your honourable House are sought for at a most extravagant and increasing rate of expense.

What can have so much augmented the ambition to sit in your honourable House, your petitioners do not presume actually to have discovered; but the means taken by candidates to obtain, and by electors to bestow, that honour, evidently appear to have been increasing in a progressive degree of fraud and corruption. Your petitioners are induced to make this assertion, by the legislature having found it necessary, during the last and present reigns, so much to swell the statute book with laws for the prevention of those offences.

As far as conjecture can lead your petitioners, they must suppose, that the increased national debt, and the consequent increase of influence, are the causes of the increased eagerness of individuals to become members of the House of Commons, and of their indifference as to the means used to gratify their speculations. To prove that they do not state this wantonly, or without substantial grounds, they humbly beg to call your attention to the following table, all the vouchers for which are to be found in the journals of your honourable House, or in different acts of parliament.

At the Revolution the public revenue did not exceed 2,100,000*l.*

The peace establishment had not exceeded 1,900,000*l.*

The number of statutes found necessary to preserve the freedom and independence of parliament, to regulate elections, and to prevent frauds, bribery, &c. amounted only to fourteen.

At the death of William 3d, the public revenue had increased to about 3,950,000*l.*

The peace establishment had increased about 1,950,000*l.*

The number of statutes found necessary to preserve the freedom of parliament, to prevent bribery, &c. increased to twenty-six.

At the death of queen Anne, the public revenue had increased to about 6,000,000*l.*

The peace establishment had increased to about 2,000,000*l.*

The number of statutes found necessary to preserve the freedom of parliament, to prevent bribery, &c. increased to thirty-five.

At the death of George 1st, the public revenue had increased to about 6,800,000*l.*

The peace establishment had increased to about 2,600,000*l.*

The number of statutes found necessary to preserve the freedom of parliament, to prevent bribery, &c. increased to thirty-seven.

At the death of George 2d, the public revenue had increased to about 8,600,000*l.*

The peace establishment had increased to about 2,800,000*l.*

The number of statutes found necessary to preserve the freedom of parliament, to prevent bribery, &c. increased to forty-nine.

In the 31st year of the reign of his present majesty, the public revenue had increased to above 16,000,000*l.*

The peace establishment had increased to above 5,000,000*l.*

The number of statutes found necessary to preserve the freedom of parliament, to prevent bribery, &c. increased to sixty-five.

It is upon this evidence of the increase of taxes, establishments, and influence, and the increase of laws found necessary to repel the increasing attacks upon the purity and freedom of elections, that your petitioners conceive it high time to inquire into the premises.

Your petitioners are confident that in what they have stated, they are supported by the evidence of facts, and they trust that, in conveying those facts to your honourable House, they have not been betrayed into the language of reproach, or disrespect. Anxious to preserve in its purity a constitution they love and admire, they have thought it their duty to lay before you, not general speculations deduced from theoretical opinions, but positive truths, susceptible of direct proof; and if in the performance of this task, they have been obliged to call your attention to assertions which you have not been accustomed to hear, and which they lament that they are compelled to make, they intreat the indulgence of your honourable House.

Your petitioners will only further trespass

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upon your time, while they recapitulate the objects of their prayer, which are,

That your honourable House will be pleased to take such measures, as to your wisdom may seem meet, to remove the evils arising from the unequal manner in which the different parts of the kingdom are admitted to participate in the representation.

To correct the partial distribution of the elective franchise, which commits the choice of representatives to select bodies of men of such limited numbers as renders them an easy prey to the artful, or a ready purchase to the wealthy.

To regulate the right of voting upon an uniform and equitable principle.

And finally, to shorten the duration of parliaments, and by removing the causes of that confusion, litigation, and expense, with which they are at this day conducted, to render frequent and new elections what our ancestors at the revolution asserted them to be, the means of a happy union and good agreement between the king and people.

And your petitioners shall ever pray.

The petition having been read, Mr. Burke expressed his wish to know from whence the petition came, as the place of residence of the petitioners was not mentioned. The names of the petitioners were then read by the clerk; after which,

Mr. *Grey* rose. He said, it was certainly not uncommon that petitions should be presented to that House from persons not describing their place of abode, or assuming any other description than that of the persons whose names were subscribed to the petition; if, however, it would afford any satisfaction to the right hon. gentleman he had no objection to state, that all the subscribers resided either in London or near it, and that the petition had been drawn up and signed there. On the very important subject which it respected, he was very apt to believe, that, whatever opinions gentlemen might entertain, either with respect to a reform in the representation of the people, or as to the time which might be thought proper for bringing it about, it must be considered by all parties as a matter of much importance, to have laid before them such an accurate, full, and precise detail of all the facts connected with the subject, by those who were ready and able to prove the facts which they had asserted in their petition; it would also have the effect to render it unnecessary for him to trouble the House at any great length. He was aware of the difficulties he had to encounter in bringing forward this business: he was aware how ungracious it would be for that House to show that they were not the real representatives of the people; he was aware that the question had been formerly agitated, on different occasions, by great and able characters, who had deserted the cause, from despair of success: and he was aware that he must necessarily go into what might perhaps be supposed trite and worn out arguments. From circumstances which had occurred since he last brought the subject before the House,* he had an additional claim to candour, from the extent to which the prejudices against all reform and innovation had been thereby increased. It was by no means his intention to go into any of the transactions of the period when he made his original motion on this subject, or to carry any idea along with him of what might possibly lead to personal resentment. He came forward on the present occasion, actuated solely by a sense of duty, to make a serious and important motion, which he was ready fairly to admit, involved no less a consideration than a fundamental change of the government. He felt, in the strongest manner, how very formidable an adversary he had to encounter in the right hon. gentleman opposite (Mr. Pitt), formidable from his talents—formidable from the influence of his situation—but still more formidable from having been once friendly to the cause of reform, and becoming its determined opponent, drawing off others from its standard. With that right hon. gentleman he never would condescend to bargain, nor should he ever disguise the objections he had to the way in which he had come into power, and to the whole system of his government since. In the course of the last discussion on the present subject, the right hon. gentleman seemed to hint something of general objections to reform; but he well knew that the chief difficulty to be encountered, would be the argument as to the danger of the times. This, indeed, was a never-failing argument, in times of prosperity and adversity, in times of war and of peace. If our situation happened to be prosperous, it was then asked, whether we could be more than happy, or more than free? In the season of adversity, on the other hand, all reform or innovation, was deprecated from the pretended risk of increasing the evil and pressure of our situation. From all this it would appear, that the time for

* See Vol. 29, p. 1300.

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reform never yet had come, and never could come. By arguments such as these had reform been hitherto combated; and by the like arguments he believed it ever would be attacked, until some dreadful convulsion should take place, which might threaten even the constitution itself with annihilation. Many had been the unsuccessful attempts to bring about a reform. At different times the great question of reform had been brought forward; but a proper time had never yet been found for it. In 1733, a motion was made in that House, by Mr. Bromley, for a repeal of the septennial act*, and that motion was supported in a very able speech by sir William Wyndham. At that time the proposition was met, and successfully resisted, upon the pretence of danger arising from papists and jacobites plotting against the state and the constitution. In 1745, another attempt was made;† and that was the only occasion on which the pretence of danger was not made use of although the country was then in a state of war and disturbance; but the success of the attempt was just the same as of the former one. Again, he said, the business came to be agitated in the year 1758;‡ then also the motion was rejected. The right hon. gentleman opposite, (Mr. Pitt) had himself brought forward the subject three different times,§ 1782, and 1783, and lastly in 1785, when he was minister. The same objection with respect to the time was then made, and combated by the right hon. gentleman strongly and powerfully in argument, but without effect; and he had no doubt it would continue to be made successfully till the people resolved for themselves that there should be a proper time. But while we were for ever met by this argument against any enlargement of popular rights, the encroachments of prerogative were overlooked, and no danger was apprehended from the passing an alien bill, a traitorous correspondence bill, &c. It was no doubt, true, that, in troublesome times, it might be necessary to delegate a larger portion of power to the executive government; but why should innovations in favour of prerogative be watched with less jealousy, than innovations in favour of the popular part of the constitution? The business of reform appeared to have slept from 1785 to 1790, when it was again brought forward by Mr. Flood.* At that time, the internal convulsion in France had but just begun; and it was then asked, whether we would think of repairing our house in the hurricane season. But he should no doubt, be told that the danger was now greater than ever this country experienced, by many degrees, for the dangers talked of at other times were held to be all of no account, when compared with the danger of what were called French principles. If, however, there was ever any danger to this country from the propagation of French principles, or from the increased dominion of France, that danger unquestionably was completely at an end; for it was impossible that any set of men, who had not actually lost their senses, should ever propose the French revolution as a model for imitation. No argument, therefore, drawn from the situation of France could apply to the kind of reform which it was the wish of those with whom he acted to introduce.

It had been said last year by the right hon. gentleman, that this country had just recovered from the calamities of the American war, and that it would be imprudent to risk by innovation the growing prosperity of the country. Now the case was unhappily most woefully reversed; besides being involved in a most ruinous war, the whole commercial credit of the nation was shaken, and we had sunk from this zenith of prosperity into the most necessitous and distressed situation: witness the commercial credit bill, which that House had just passed; witness the numerous bankruptcies. In this calamitous state with respect to credit at home and war abroad, nothing could tend so much in all probability to deliver the country from these dreadful evils, as to have a pure and uncorrupted House of Commons, emanating freely and fairly from the people. Had a reform in the representation of the people taken place upon the conclusion of the peace in 1763, this country had, in all likelihood escaped the American war. If it had taken place last year, it would probably have saved us from our present distresses. He and his friends had published last year, their opinions upon this subject,† and credit would some

* See Vol. 9, p. 394.
† Vol. 13, p. 1056.
‡ Vol. 15, p. 870.
§ Vol. 22, p. 1416, Vol. 23, p. 826, Vol. 25, p. 432.

* See Vol. 28, p. 452.
† See the Address of the Friends of the People, Vol. 29, p. 1303.

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time or other be done them for it. At that time, this country was at peace; Europe was distracted: had the House of Commons been a free and fair representation of the people, these advantages would most probably have been improved and secured. At present it was said that principles had been held and supported, by arguments which were equally dangerous to the constitution and to order. But, how could these be so well met as by amending the errors of the constitution? With these views he had given notice of the motion which he now brought forward. However unwilling he was to put this case upon the weight of authority; yet, at a time, when it has become customary to charge with bad views, all those who talked of any species of alteration, he thought it right to state that it had the support of very great and high authorities. It had been supported by Mr. Locke, by Mr. Justice Blackstone, by the late sir George Savile, by the earl of Chatham, and by the present master of the rolls, the present lord chief baron, and the present lord chief Justice of the King's-bench. It had been supported by the right hon. gentleman (Mr. Pitt) himself, by the duke of Richmond, and by an authority still greater than these, namely by a speech of his majesty from the throne. On looking into the Journals of the 24th of May 1784, he found a motion made, that the king's speech should be read, wherein his majesty says, that he would be always desirous to concur with his parliament, in supporting and maintaining, in their just balance, the rights and privileges of every branch of the legislature."*

If he did not think it requisite to follow the petition in the detail of facts, it was for no other cause than that they were there so fully stated, and could be distinctly proved. What could be more palpably absurd in point of inequality, for instance, than that the county of Cornwall should send to parliament almost as many members as the whole of Scotland; and that representatives should be sent from places where hardly a house remained? And the fact being indisputable, he would now come to consider the effect. If, according to the present system, worthy, able and independent men were likely to be chosen as representatives of the people, he would not aim at a change; but if quite the reverse was the case, and if elections were in most cases procured by corruption, then a speedy and effectual remedy would become essentially necessary. He wished the question to be decided on sound and fair argument. He mentioned this chiefly, because general representation was commonly supposed to be founded on natural right, but he rested his argument not on natural right, but upon what was in itself the best system of government, and most conducive to the happiness of the subject. When he spoke of the constitution of this country, he did not speak of it as of a system which had been established at any one time. No: it had arisen out of various contingencies and at different periods: and its excellency originated from the very cause on account of which some persons had pretended to deny that we had any constitution at all. But if there was one principle more strongly inculcated than another at the time of the Revolution, it was this, that the election of the House of Commons should be free. One of the resolutions carried at that important æra was, that king James had violated the freedom of election, whence it would follow, that the Crown ought not in any degree to interfere in the election of those who were to represent the people; but that the latter should be left to send to parliament the persons who were the objects of their free choice. Another principle asserted at the revolution was, that a man ought not to be governed by laws, in the framing of which he had not a voice, either in person or by his representative; and that he ought not to be made to pay any tax to which he should not have consented in the same way. Now, he asked, was it possible more completely to trample upon these two principles, than to make the House of Commons consist of persons not chosen by the people? At the revolution, also, the necessity of short parliaments was asserted; and every departure from these principles was in some shape, a departure from the spirit and practice of the constitution; yet when they were compared with the present state of the representation, how did the matter stand? were the elections free? or were parliaments free?

With respect to shortening the duration of parliament, it did not appear to him that it would be advantageous, without a total alteration of the present system. But if it was said, that we were now in possession of that constitution derived from our ancestors and settled at the re-

* See Vol. 29, p. 805,

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volution, he would ask, whether there had been no alteration since the Revolution? Had not the patronage of peers increased? Was not the patronage of India now vested in the Crown? Were all these innovations to be made, in order to increase the influence of the executive power; and was nothing to be done in favour of the popular part of the constitution, to act as a counterpoise? But had there been no alteration, since the Revolution, even in the form and constitution of the House of Commons itself, which had gone to the increase of influence? The introduction of forty-five members to represent in the British parliament the people of Scotland had also strengthened the hands of the Crown; an assertion which no one could dispute, who was at all acquainted with the manner in which the Scotch members were elected. The abuse of burgage tenures, in defiance of an act of king William, gave the crown an influence in many boroughs in England. He read a passage from that act, in which it was declared, that all splitting of tenements, messuages and hereditaments, for the purpose of multiplying votes, should be deemed illegal and of no effect; and yet though this statute, by extending to all kind of towns, necessarily included burgage tenures, the latter had unaccountably been suffered to creep out of the statute, and were daily multiplied in defiance of it, for the purpose of multiplying votes and increasing influence at elections. On this subject he quoted an opinion given judicially by lord Thurlow, when sitting as chancellor in the House of Lords, in an appeal cause from Scotland, respecting the right of voting at elections in that part of the kingdom. That learned lord, after having said that the right of election in Scotland had been debased and put on the level of an English burgage tenure, added that the House of Commons had an unlimited jurisdiction in the trial of all questions respecting the election of its members; but if the right of election could by law be decided in a court of law in England, as it was in Scotland, he was convinced an English court of law would not be satisfied with such a mode of election as this, that a nobleman's steward should go down to a borough with ten or twelve pieces of parchment in his hand, containing each the qualification for a vote, and having assembled round a table as many of the tenants or servants of his lord, should distribute among them the parchments, then propose a candidate, and afterwards collect these parchments, and declare his lord's friend duly elected for the borough. And yet such was the mode of electing those who represented the boroughs where the right of election arose from burgage tenures. Such elections lord Thurlow did not hesitate to call a mockery.

Mr. Grey remarked, that when Mr. Pitt moved for an addition of 100 members to be added to the counties, he could not carry his motion; and yet he had contrived to procure the nomination of 40 members by indirect means; for he had added to the House of Peers 30 members, who either nominated directly or by irresistible influence, that number of members of the House of Commons, as appeared from the petitions then on the table, and which the petitioners were ready to prove. He then read the resolutions which are entered in the journals at the commencement of every session in the following words: Resolved, "That no peer of this realm hath any right to give his vote in the election of any member to serve in parliament." Resolved, "That it is a high infringement of the liberties and privileges of the Commons of Great Britain, for any lord of parliament, or any lord lieutenant of any county, to concern themselves in the elections of members to serve for the Commons in parliament." If the present system was right, these resolutions, and the principles upon which they were founded, must be wrong, and it would be better to expunge them from the Journals, than to allow them to remain there while the practice was so totally inconsistent with them.

It might, perhaps, be said, that although the constitution may have been in some shape impaired since the revolution, it still remains so good as to make a change hazardous. In speaking on this subject, the influence appeared to him so excessive, and the occasion so important, that, if he should even go a little beyond the strict bounds of what it may be usual to advance in that House, he hoped it might be overlooked. Were the evils of the American war nothing? These were, in his mind, entirely owing to the unequal and corrupt representation in parliament. It may be said, however, that the House of Commons are really a just representation of the people, because on great emergencies they never fail to speak the sense of the people, as was the case in the American war, and in the Russian armament. But had the

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House of Commons been a real representation of the people, they would have interfered sooner on these occasions without the necessity of being called upon to do so. He feared much that that House was not a real representation of the people! that it was too much influenced by passion, prejudice, or interest. This might for a time, give to the executive government apparent strength, but no government could be either lasting or free which was not founded on virtue, and on that independence of mind and conduct among the people which created energy, and led to every thing that was noble and generous, and that alone could conduce to the strength and safety of a state—

What constitutes a state?
Not high-raised battlement or laboured mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crown'd;
Not bays and broad-armed ports,
Where laughing at the storm, proud navies ride;
Not starr'd and spangled courts.
Where low-brow'd baseness wafts perfume to pride:
No; men, high-minded men,
With powers as far above dull brutes endued
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and knowing, dare maintain.

If the present practice deviated from the principles of the constitution, he had surely a good right to call upon the House to inquire into the subject, and to consider in what way it may be amended. Indeed, it was evident, that many leading members of that House considered a great part of it in a state of dependence: else what could mean the frequent appeals to those who were emphatically called the independent members; an hon. gentleman (Mr. Powys) had in 1784, assembled round him a little senate of his own, composed of those independent country gentlemen, from which he had excluded the borough members, as probably not coming within the description of independent members of parliament. Surely this might be considered as a tacit avowal on the part of a great enemy to reform, of the absolute necessity of that very measure which he so strongly opposed. There were arguments for reform which he need only to state, to produce conviction; the county of Rutland sent as many members to parliament as the freeholders of Yorkshire; and Cornwall as many as Rutland, Yorkshire and Middlesex together; and as many within one as the whole kingdom of Scotland. These facts surely afforded sufficient ground for a parliamentary reform. There were other grounds arising from bribery, corruption, and expense at elections, which were known to every member who had served on election committees, though they were not known to the House as a body. Sometimes, indeed, reports from committees stated acts of bribery and corruption, as in the cases of Cricklade, Shoreham, and Stockbridge. The most certain and effectual remedy in those cases was, to establish a more popular election, which was the most likely method to secure the purity of election, and the independence of members of that House.

Mr. Grey said, that his intention was, to move to refer the petition to a committee; but he had it not in contemplation to propose any particular plan, as there occurred to him many reasons against it. If it should be said to him, why would you alarm and disturb the minds of the people when you have no particular plan of redress to propose? he would oppose to such question, the right hon. gentleman's own mode of proceeding with respect to commercial credit, but he would say also, that it was the most regular mode of proceeding. He did not approve of the duke of Richmond's plan of reform, though he thought it better than the present system;—any plan would be better which would secure the sending of such members to the House, as would vote independently. He could certainly mention a plan which appeared to him much better; but he was not bound by the general mode of proceedings in that House, to move any specific plan, and would therefore adopt that which had been usually followed, namely, after having stated the grievance, to move for a committee to take it into consideration, and report to the House such remedy as shall appear to them proper. Mr. Grey concluded with moving, "That the said petition be referred to the consideration of a committee.

Mr. *Erskine* seconded the motion.

Mr. *Jenkinson* began with observing, that so various were the objections which occurred to him on the proposition of the hon. gentleman, that besides the difficulties which he always laboured under in addressing the House, he felt the addi-

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tional one of being obliged to select amongst the different arguments which offered themselves to his mind. The time, the mode, in which this question had been introduced, were highly objectionable. It had been introduced at a time when our constitution had been threatened from within, and when war had been declared against it from without. It had been introduced in a mode still more extraordinary. Without any complaint on the part of the people, a number of gentlemen associate themselves for the purpose of persuading them that they feel grievances, of which they appear not even to have dreamed. If they had succeeded in rousing the lion, could they have supposed they could have led it at their discretion? Could they have said to the people, "the constitution is defective; it must be reformed; it can be reformed only by your rising; but if you, agreeing with us in the evil, should differ with us in the remedy; if your ideas of reform should be more extensive than ours; if you should pass the line we have drawn for you, that moment you would be traitors and rebels, and we will be the first to inform against you." The example of a neighbouring country unfortunately proves that the people, once excited, can be appeased at the nod of no man, and that, under such circumstances, they would inevitably become instruments in the hands of those whose wickedness and extravagance will push them to the greatest extremities. But this was not all. This association, after twelve months consideration, and, if we may judge from their advertisements in the public papers, repeated and repeated meetings, bring forward to the consideration of this House the subject of parliamentary reform, without even venturing to produce a specific plan. He said, he had a right to infer from this, that some of the ablest men in this country, associated together for so considerable a space of time, had so little been able to ascertain the evil, that they had never discovered the remedy which ought to be applied to it; and that it might therefore have been expected, that instead of the proposition of the hon. gentleman, they should have heard a recantation of their principles on this subject, from an avowal of the fruitlessness of their research. But here he did not mean to rest the question; for ill-chosen as had been the time, ill adapted to the circumstances of that time as had been the mode his objections were principally to the substance of the proposition. He objected to it not only as productive of no good, but as productive of positive evil; not as nugatory, but in its consequences as fatal, so productive of evil, and so fatal, that he neither knew that time nor that mode which could have reconciled him to its adoption.

He then remarked, that it was a subject well worthy of observation, to examine the effects of different governments on different countries; but that it was still more curious to examine the effects of the same government on different countries. Take, he said, absolute monarchy; it will be perceived, that in some of the countries of Europe, that government produces all the horrors and evils of which any system can be capable; that in other countries it produces as much happiness to the people, as a system so defective as absolute monarchy must be, can possibly produce. And yet no apparent reason frequently exists for this extraordinary difference. What inference did he draw from this? That the effects of government on the people do not so much depend on general principles and general theories, as on little accidental circumstances which are frequently not even perceptible; and consequently, if plausible theories ought never to be an objection to reform, when practical grievances are felt, so defective theories ought not to be a ground for reform, when not only no practical grievance, but every practical advantage, is felt. From the hon. gentleman not having introduced a specific plan, he must of course feel some difficulty in arguing the question. He rejoiced, however, at hearing him give up the right of universal suffrage. If all persons have not a natural right to vote for members of parliament, no particular class of persons can have that right; the line could never be drawn. The question, then, is placed upon its proper ground; it was a question of wisdom, a question of expediency, but not a question of right. Considering it in this point of view, we ought to examine this question on the same principle on which all questions of the sort must be examined, viz. by inquiring what was the end that was to be produced; and then considering what were the means likely to produce that end. The end was, a House of Commons that was to produce certain effects. The means of obtaining that House of Commons were, the electors. We ought

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not then to begin first, by considering who ought to be the electors, and then who ought to be elected; but we ought to begin by considering who ought to be the elected, and then constitute such persons electors as would be likely to produce the best elected. Three questions, then, arise out of this principle: 1. What is the House of Commons? 2. How ought it to be composed to answer its object? 3. What is the way of so composing it?

Supposing, then, that there can be no doubt on the first of these questions; that we must be all agreed that the House of Commons is meant to be a legislative body, representing all descriptions of men in this country, without troubling the House any farther on that proposition, he would proceed to the second, and consider how it ought to be formed. In the first place, he supposed every person would agree, that the landed interest ought to have the preponderant weight. The landed interest was, in fact, the stamina of the country. In the second place, in a commercial country like this, the manufacturing and commercial interest ought to have a considerable weight, secondary to the landed interest, but secondary to the landed interest only. But was this all that was necessary? There were other descriptions of people, which, to distinguish from those already mentioned, he should style professional people, and whom he considered as absolutely necessary to the composition of a House of Commons. By professional people, he did not mean to use that expression in the narrow and confined sense in which it was generally used; he meant those members of the House of Commons who wished to raise themselves to the great offices of the state; those that were in the army; those that were in the navy; those that were in the law: and he maintained, that these several descriptions of persons ought to be able to find some means of entering into that House. First, it is to be considered, that by the practice of the constitution, the ministers of the crown are, in part, chosen out of the House of Commons. The landed interest, or country gentlemen, are, generally speaking, not ambitious of exercising those functions; and indeed it was not to be wondered, that persons of considerable property and consequence in the country should find themselves so much employed by the management of their property, by fulfilling the

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office of magistrate in their different counties, and by attending their duty as members of parliament, as not to be, in general, desirous of becoming members of the administration of the country. Indeed, it may, perhaps, be more proper that such persons should be employed in watching over the conduct of those who exercise the functions of executive government, than that they should be employed in exercising those functions themselves. This applied still stronger to those gentlemen in the commercial line. They did not, generally speaking, come into parliament till they were rather at an advanced period of life, and they were then so occupied with their commercial concerns, that even if they had the disposition, they could not have the leisure, to become members of the executive government. Unless, then, professional men could find their way into that House, you would strike at the root of this principle. He said, that the principle itself was a very important one; that it had been commonly observed, that whilst in other countries men could scarcely be found to discharge the offices of the state, in this country there were always more than were sufficient; but if the professional men he had mentioned were prevented from becoming members of parliament, we should lose one of the most important advantages of our constitution. There was another reason why these persons were absolutely necessary: we were constantly in the habit of discussing in that House all the important concerns of the state; it was necessary, therefore, that there should be persons in the practice of debating such questions.

It would plainly appear, from what he had already said, that the very same reason which would, generally speaking, prevent either gentlemen in the landed interest or in the commercial interest, from accepting the offices of the state, would likewise prevent them from exercising, in a considerable degree, their talents in the practice of debating. If, therefore, we were desirous that there should continue in that country a constant supply of men to form vigorous and effective administrations; if we were desirous that there should continue in that House a constant supply of men to form vigorous and effective oppositions, for the purpose of watching over the conduct of such ministers, the descriptions of persons he had mentioned were absolutely

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necessary to the composition of it. There was another reason; being constantly in the habit of debating in parliament on all the different affairs of state, on the naval, on the military affairs, on the state of the law of the country, it was proper, he said, that we should have within ourselves persons belonging to these different professions, to whom we might occasionally appeal on such subjects. There was a fourth reason, which was, to his mind, stronger than all the rest. The professional persons he had mentioned, in fact, made that House the representation of the people. Suppose, that in that House there were only country gentlemen; they would not then be the representatives of the nation, but the representatives of the landholders of the nation. Suppose there were in that House only commercial persons; they would not be the representatives of the nation; but the representatives of the commercial interest of the nation. See, from an example, what would be the consequence of this. There cannot be a more important subject of legislation than the corn laws. It would be agreed by every one, that parliament should prevent corn from either becoming so dear as to distress the poor, or from becoming so cheap as to affect agriculture. The landholders of the country have an interest that corn should be as dear as possible; persons in the commercial and manufacturing line have an interest that corn should be as cheap as possible: it must, then, inevitably follow, that if one of these descriptions of persons only found their way into the House, the interest of that description of persons would be principally considered, and however respectable those persons might be, an *esprit de corps* would naturally be found in all their proceedings. Suppose the landed and commercial interests could both find their way into this House—the landed interest, it has been proved, ought to have the preponderant weight; it would consequently be able, if it had nothing but the commercial interest to combat with, to prevent that interest from having the weight in the constitution which it ought to have; and all descriptions of persons in the country would, in fact, be at the mercy of the landholders of it. The professional persons mentioned, are then what make this House the representatives of the people. They have collectively no *esprit de corps*, because they are composed of persons in very different professions. They mix themselves with the landed and commercial interest, and prevent any *esprit de corps*, by this means, from affecting our proceedings. Thus, whilst the landed interest has of any one description of persons the principal weight in this House, as it ought to have; whilst the commercial interest has of any one description of persons the secondary weight in this House, as it ought to have, neither the landed nor commercial interest can materially affect each other. The interests of the different professions of the country are fairly considered, and the House, by this means, become what it could not become by any other means—the representatives of the people at large.

What, then, he asked, were the means of obtaining such a House of Commons? The counties, and many of the populous boroughs, secured the election of country gentlemen; the commercial towns secured the election of certain persons in that line; but how were the last description of persons, the professional men, to find their way into that House? In the counties, local connexion would, in a great measure, decide the election. However great his property, or the property of any other gentleman, might be in a county, it would go a great way to decide between A and B, two considerable persons in that county; but it could never be made use of with effect for the purpose of bringing in a person who had no landed property in that county, and who could have no connexion consequently with the various interests in it. In the populous boroughs, the same principle will in a great measure avail; and persons who, for the first time at least, are chosen for them, are generally chosen either on account of some local connexion, or by means of the exertions which a very considerable property may enable them to make. Many gentlemen, after they have come into that House by other means, by the reputation they acquire from their exertions in it, are, at a subsequent period, frequently returned by the most populous places in the country; but if the names of the professional persons, who had come into that House for a considerable number of years, were examined, it would be found that far the greater part of them have come in, for the first time, by means of those boroughs which are called rotten boroughs; that having in general no strong local connexion, and comparatively

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speaking, no very considerable property, it is scarcely possible that they should come in by any other means; and if it was the object of the hon. gentleman, as it appeared to be, if it was the object of the petitioners whose petition they had heard read that day, as it appeared likewise to be, to abolish those close boroughs, persons of the description he had mentioned would scarcely ever find means of obtaining a seat in that House; and those members whom he considered himself to have proved absolutely necessary for creating that House the representatives of the people, would be entirely excluded.

He considered himself then to have shown that the close boroughs, as being the means of introducing professional persons to that House, were absolutely necessary to its constitution. Did any evil arise from them? It might be feared, that their influence collectively might be so great, as to prevent the landed and commercial interest from having that weight in the House which they certainly were entitled to. This objection had been answered before; for this description of individuals not being composed of any one sort of persons, but of persons of a variety of professions, not being returned by persons in one interest, but by persons in very different interests, possessed collectively no *esprit de corps*, and could consequently not affect the weight of either the landed or monied interest in that House. But it might be said, to a certain degree these persons may be necessary; but are not their numbers increasing? The reverse he asserted was the fact. Let any gentleman look at the various decisions on controverted elections since the passing of Mr. Grenville's act, and he will find, that in almost every case, the decision has been in favour of the more open right of election; and that it is astonishing how many boroughs there are, which were believed to be close boroughs a very few years ago, and which have since been made as open as any boroughs in the country. It has frequently been said, "If you had a House of Commons to make for the first time, would you constitute it as the British House of Commons is constituted?" This is, generally speaking, not a fair question; but he found no difficulty in answering it on the present occasion. He did not mean to say, that if he had a House of Commons to constitute in a country similar to Great Britain, he should constitute it in every little circumstance similar to the present. He did not mean to say, that it would occur to him to give members to Liverpool and Bristol, and not give them to Manchester and Birmingham. But this he would say, that he should constitute it precisely on the same principle. That by means of counties and considerable boroughs, he would endeavour to secure the election of the landed interest. That by means of the commercial towns, he would endeavour to secure the election of the commercial interest; and that he would certainly constitute a number of close boroughs, where there were not more than fifteen or twenty electors. Why? The hon. gentleman, and the petition on their table, rather proposed uniformity of election. His ideas were the reverse—that the modes of election ought to be varied as possible, because, if there was but one mode of election, there would, generally speaking, be but one description of persons in that House. His opinion was, that there ought to be a variety of descriptions of persons in that House; and by a very varied mode of election only could that variety be secured.

We came, however, to this important question at last: has the House of Commons, so constituted in practice, answered the end for which it was designed? The House of Commons, as the democratic part of the constitution, as the virtual representatives of the people, certainly, to a degree, ought to be affected by public opinions in their operations. It must, however, never be forgotten, that the first quality of the House of Commons is, that of being a deliberative assembly. If public opinion is necessarily to affect their decisions on every occasion, it will cease to be that deliberative assembly, and the members of it would have nothing to do but to go to their constituents, and desire to be directed by them in the votes they are to give on every important subject. Public opinion, then, ought to have a certain weight in the conduct of that House; but public opinion ought never to have so great a weight, as to prevent their exercising their deliberative functions. The petition on the table, and the hon. gentleman who had made the motion have asserted, that the national debt which this country labours under, has originated from the corruption of that House. A more extraordinary assertion never has been made. The national debt

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has arisen from the wars in which this country has been involved. Did gentlemen mean to assert, that those wars were not agreeable to the public opinion? Consider the history of the wars since the house of Hanover has been on the throne. The Spanish war; was that unpopular? It was entered upon on the express requisition of the people, and contrary to the known opinion of the government. The war of 1756; was that unpopular? Never was any country engaged in a more popular war. The American war; was that unpopular? He had heard it asserted by an hon. gentleman opposite to him, that that was the war of the people. Until within a year and a half of its conclusion, nothing could be more marked than the approbation which the public gave of that measure. It grew unpopular towards the end, as under similar circumstances every war will grow unpopular, because it was unsuccessful; and what was the consequence of this war becoming unpopular? That the minister, who had the complete confidence of a parliament chosen in the year 1780, was forced by that parliament to quit his situation in less than eighteen months afterwards, in consequence of the ill success of the war! Take, he said, the administration of his right hon. friend. Would any body say, that that administration, which had had the confidence of the House of Commons, had not likewise the confidence of the public? He would admit that that was no proof alone of the administration being good; but that was not the question. The point that they were to decide was, had public opinion its full weight in the deliberation of parliament? By the confidence which parliament had placed in his right hon. friend, the public opinion had proved to be in unison with the opinion of that House. But it was said, that there were some measures of the present administration approved of by that House, and which the public were averse from. Very possibly. The difference of that House from the public, on any particular measure, could be no objection; for if that House had not the power of differing from the public, nay, if it did not sometimes differ from them, it would cease to be a deliberative assembly. But the Russian war had been stated, and much had been dwelt on this. The House were well acquainted with his opinion on that subject. He would suppose, however, for argument's sake, that his opinion was completely wrong; that ministers were wrong in arming for the purpose of obtaining Oczakow, and were wrong, having so armed, in disarming without obtaining it. What does that prove with respect to the decisions of that House? Nothing, unless it could be shown that that which was said to be the defect in our representation, was the cause of those decisions. If it could be shown, for instance, that the members for the close boroughs had, in fact, occasioned those decisions, contrary to the opinions of the landed and commercial interests in that House, the objection, as far as respects that particular case, might avail. But the reverse was the fact. A much greater number of members for counties and populous places voted with administration than voted against them; and as many members for close boroughs, in proportion, voted in the minority as in the majority of that House. The objection, then, proved nothing. Form a House of Commons as you please,—assemble the people in Salisbury Plain—you cannot prevent their having improper attachments and improper aversions. You cannot prevent their placing too much confidence in one minister, because they approve of him, and too little in another, because they disapprove of him. The defect is not in the representation; it is in human nature, and our eyes had better be turned to an improvement of that. He then said, that though public opinion he had always thought should have a certain weight in the constitution, he was fearful lest our government should become too democratic. Every man who pushed the democratic principles of the constitution too far was, in fact, an enemy to it. He was of the same opinion with respect to those who pushed the monarchical or aristocratical principles of it beyond their proper limits. It was certainly the principle of the British constitution, that monarchy, aristocracy, and democracy should serve as a control on each other; but it was likewise a principle, that on ordinary occasions they should and must co-operate. If the monarchy, the aristocracy, and the democracy are too much unconnected, the purpose of control may be answered, but the purpose of co-operation will be defeated. No one of the principles, therefore, ought to be forced beyond a certain extent. If any person was to be forced to live under a simple monarchy,

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he would choose a moderate monarchy. If any person was forced to live under a simple aristocracy, he would choose a moderate aristocracy. If any person was forced to live under a simple democracy, he would, of course, choose a moderate democracy. If then, you are to live under the three united, it becomes still more necessary that each should be moderate in itself; because without that, co-operation, which is absolutely necessary, could not subsist between them.

He declared, that no person had more extensive ideas of liberty than he had; but it was not by any exclusive attachment to the democratic part of our constitution, that that love of liberty was to be manifested; democratic tyranny was at least as bad as either monarchial or aristocratical tyranny. The liberty we had the blessing to enjoy, did not arise from any part of the constitution, but from the operation of the different parts of it on each other. In the true sense of liberty, it was the end of all government; men fled from a state of nature to a state of society because, in the former, the first blessing of liberty, security, could not be obtained. But when he talked of liberty, he meant not any abstract ideas of the rights of man; he meant practical liberty. Of this he might say, that was the best government which had the most of it; or, in other words, that was the best government where there was the greatest security, and the least restraint. He was not so ignorant, however, of human nature, as to suppose that every country could enjoy an equal share of it. The liberty of a country must depend on its government; and very little experience, indeed, would teach us, that different countries require very different governments; that in considering what government would suit a country, the extent of it, the population of it, nay, the climate, must in some degree be attended to. How, then, were we to judge whether the government was well adapted to the country?—By the effects it produced. Is property secure? Is the administration of justice correct? Are the laws mild? Do the lower orders of the community appear contented? Wherever these blessings exist, the government from which they originate must necessarily be good. Let us judge of the British constitution on this principle. Is not property secured? Is not the administration of justice pure and correct? Have we not, in short, arrived at a pitch of prosperity unparalleled in either ancient or modern history? What, then, must be that tree which could produce such fruit! But it was not on the effects of our system only that it was necessary to rest, those who had passed their lives in the studies of speculative retirement, and who had become acquainted with human nature, but from books, have beheld with regret the capricious tyrannies of absolute monarchy, the systematic oppression of aristocracy, the turbulent, factious, and unsettled disposition of democracy. They considered that a system might be founded out of the three, where the faults of each might correct the faults of the other, and where the virtues of each might prove an aid to the virtues of the other. Should we, then, who enjoy such blessings from such a system, on the pretence of some trifling defects in the theory, be disposed to hazard its existence? Should we contemplate the spots of the sun, regardless of its splendour? Should we seek glasses to magnify those spots which, to common eyes, are not even visible, and when the lustre of the celestial body is so great, that no part of nature can complain of a defect of its rays? But the spots of the sun do in some degree diminish its splendour. In works of art, it frequently happens that those which appear defective, are in fact the reverse; speculative theories are generally founded on ideas of perfection which do not exist: human institutions must be adapted not only to the virtues, but to the weakness and passions of mankind. Thus is it frequently necessary to follow that by indirect ways, which by the straight road we never could hope to arrive at. That there were theoretic defects in the composition of the House of Commons, was not what he pretended to deny; it was incumbent, however, on those who proposed a reform, to prove that those defects affected the practice of the constitution. He contended that he had proved the reverse; that they were necessary to the constitution; and that any attempt to reform them might prove dangerous to its very existence.

Mr. *Powys*, before he proceeded to discuss the question before the House, wished to answer a charge adduced against him of his having made a distinction between the members who composed the House, by attaching to a part the appellation of independent. By this epithet he certainly did not mean the landed interest alone; he meant persons neither holding

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nor expecting any office. On the present day, the hon. mover had come forward as the organ and delegate of a society, constituted for the purpose of checking the progress of disaffection and discontent—of waiting for the operation of the public mind, and of holding no communication with visionary speculators. In process of time, however, these Friends of the People joined with the performers from another theatre, and they had acted together, at the Crown and Anchor tavern more than once. If, however, at their meetings inflammatory language were held—if there were any who talked of embodying all the proud flesh and blood of the country, he was convinced that such speeches proceeded not from the crowds of the people, and was totally disowned by them. The hon. mover had said that the example of France ought not to deter the House from adopting a reform. To this argument he did not feel disposed to accede, after the sentiments disclosed by M. Condorcet, which sentiments he begged leave to read. They related to the formation of the society of the Friends of the People, which the writer trusted would produce the same symptoms in England as had preceded the convocation of the states-general of France in 1788. Our constitution, Mr. Powys said had, in former ages, been the delight and envy of mankind, when all other nations lay groaning under despotism, or, what was worse, under anarchy; and he trusted it would ever be found a happy exception from the confusion into which other countries were hurried by their efforts to escape from tyranny. The happy frame of our government freed us from the two extremes. When the representative part of the legislature had an identity of interest and a conformity of sentiments with its constituents, it inevitably followed, that the people were well governed and happy. That this was the case at the present moment with us, appeared so manifest, that it would be time thrown away to prove it. When gentlemen talked of restoring the people to equal representation, he desired to know, to what criterion that equality could be referred? He desired to hear, what that period was where the representor and represented met constitutionally, and where the standard of constitutional perfection stood? The House of Commons was an organ, not merely to speak the public voice, or register the public opinions, but possessing judgment to deliberate, and power to execute the result of that deliberation. As such he could listen to no such measures as were now dictated, and should therefore dissent from the motion.

Mr. *Windham*, after stating his anxiety to deliver his sentiments, confessed that he felt infinite difficulty in connecting, combining, and comparing all the reasons and arguments offered by the hon. gentleman from whom the motion had proceeded. Never had there been a question offered to the House so repugnant to reason, and so adverse to every principle of common sense. It was a question, in the discussion of which objections of the most opposite nature arose every moment, and when one had been answered, others immediately started up, like Bayes's troops, as if nothing had happened. Much as he had attended to the speech of his hon. friend, he had not been able to discover whether the question was a question of expediency or of right. Indeed his hon. friend must excuse him, if he considered him only as a speck or spot (luminous perhaps) when compared with the vast importance of the subject "Pars minima est ipsa puella sui." He put him out of his consideration, and weighed him in his scale only as an atom. His hon. friend proceeded, very properly, on the ground of expediency; others, on the ground of right. The last were certainly the most numerous and the most powerful. All the petitions that had been presented stated the right, and, indeed, his hon friend could not correct the contagion. Those persons who supported the doctrine of right, supported it on the supposed natural equality of man, and on this position, that the will of the majority ought to be obligatory on the minority. A discussion of these two principles was better adapted to a society of learned men than to a large deliberative assembly; and he could not but lament that they had ever been supposed to attach to the business of common life. To apply these metaphysical arguments as rules of conduct would, in his own opinion, be like turning a mill by the power of music, or raising a wall, like another Amphion, by a tune. On each, however, of these principles of equality, and the paramount nature of the majority of wills, he wished to say a few words. With regard to the first, that run so trippingly from the tongue, he should be glad to hear a definition of it; but no—those who were so fond of it never would vouchsafe to give one; or, if they did, it

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was in the nature of answering *idem per idem*, or *ignotum per ignotius*. The definition he had formed in his own mind was this—that as the end of all government was, to produce the greatest possible sum of happiness, so, in producing it, government was not to look for its residence in any particular part. No ravages were to be made on the happiness of the greater part for the purpose of conferring that happiness on the smaller. Whether this definition would be received by such persons as supported the doctrine of right, he could not tell. He believed, however, that it would not; for from it resulted all possible inequality, particularly with respect to property. They seemed to say, that as long as persons continued to talk abstractedly of mankind, they must consider them as equal.—He came next to the second of these pernicious principles; namely that in all societies and states the will of the majority ought to govern. In opposition to this he felt no difficulty in affirming, that it was not a general principle of government, nor consonant to the spirit and the practice of ours in particular, that the numerical majority should decide for the whole. An ingenious author, whom he admired more as a philologist than a politician, he meant Mr. Horne Tooke, had said, with some pleasantry, that many of the evils of life arose for want of a right understanding of particles. Just so, he imagined, many of the errors of these new political philosophizers originated in a misunderstanding of particles. They said, for instance, that all government proceeded from the people; now if, instead of the particle from, they would insert the particle for, their proposition would be not only intelligible, but true; and yet on the stupid confounding of these two, not indeed by stupid, but very ingenious, men, did they rest their wild and injurious speculations. When he denied the right of the majority to govern the whole, and decide in all cases, he might be asked what he would substitute for it—If he would take the minority? He would not say so, though even that proposition would not be more absurd than the other, in the manner they argued upon it. He would rest the decision on the merits and the justice of the point to be decided; and as men would see those more or less clearly in proportion to their greater or less degrees of information, it followed that the majority was not the most likely to be in the right. If twenty persons of ordinary capacity were to decide on a question by a mere majority, was it a certain rule that the majority would be right? By no means. If to these twenty as many more were added, would the certainty be greater? It would be less; for as the number was augmented, the deficiency of deliberative judgment, the most essential quality, would be greater. If, therefore, the plan of these reformers, who said that nothing but a mere majority ought to govern, were to be carried, the nation must be undone. Applying this argument to the case of the Revolution—was it not notorious that the Revolution was produced by the minority? and yet that event had received universal applause. Of majorities there were three kinds: the first was the majority of reason; the second of numbers; the third of force. A good man would make use of the first and third; a bad man would adopt the third alone; but neither the bad man nor the good would make use of the second majority. To strip this question—if two men, meeting one man in a wood, were to contend that they had a right to murder him, it did not matter whether the numbers were two millions and one million, though it might be better, for the sake of argument, to take the first mode of stating it. Supposing, then, tha two men were to meet one man, it would be of no avail for the one man to say that he was not in society, the majority would immediately vote that he was. Much had been said of the theory of the constitution; the expression imported much; it was something that might easily be mistaken; it was an Etrurian vase, which, if some were to think made for the purpose of containing oil, and others for the purpose of holding water, both might be led into a ludicrous mistake. Besides, this idea of restoring the constitution to its ancient theory, opened a door for the wildest schemes of the wildest reformers. The petitioners had demanded that the House should represent the whole nation. If it were to represent the whole nation, where was the necessity of King and Lords? And this these petitioners knew, for they were excellent engineers? they knew that there was a gentle ascent terminated by a rock, on which was placed a fortification. They would not attack the heights of monarchy first, with all its thunder of privileges; they would make their advances regularly, and take ground on the side of representation: when they

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had made good their station there, they knew that success must attend their endeavours. It had been said that the people had a right to demand, that the extension of the duration of parliament from three years to seven was an invasion of their rights. For his own part, he did not know whether it would not be an invasion of their rights to make the duration of parliaments again triennial; for, upon this mode of reasoning every thing but pure democracy was an invasion of their rights. Few grievances had been complained of by his hon. friend, and those few operated against him. In the case of 1784 he differed in opinion with him. It had been a complaint against all former parliaments, that they had been too much addicted to the minister of the day. As soon, however, as they went against him, they were thrown to the people, and devoured by them with all the savage ferocity of hounds. At the present period, the effect of legitimate assemblies, emanating from the people, had been seen in France. The present National Convention, though the legitimate representatives of the people, were overawed by two other bodies of men. "I think there be six Richmonds in the field." They were kept by those societies in the most strict submission. "You shall be king, and I will be viceroy over you."—With respect to a perfect coincidence in opinion with the people, he contended that all good proceeded on a difference in opinion with the people, and that nothing could be so calamitous to the House as to become the agents of the people. For his own part, he thought that a case of a different sort ought to have been made out. The probable loss ought to be opposed to the probable gain. It ought to be recollected, that the motions of the heavenly bodies could be known to the end of centuries; but the impulses of the heart could not be known from one day to another. The grievances, then, ought first to be felt before a remedy ought to be applied; for should the people think such a reform as the present ineffectual, they would not stop. To give them any thing short of the entire completion of their wishes would be like throwing crumbs to hungry men, who have stomachs for greater things. His hon. friend, therefore, might open the door, but would he be able to shut it? No. Did he not know that some things would take fire as well by cold as by hot water? Did he imagine that throwing cold water on lime would put it out? No. But even were he, for his own part, to be sure that the people would stop at a particular spot, still he would not agree to it. If there was even no mischievous consequences couched in the measure, he would object to it, as producing no good. Besides, he denied the extent of the grievance complained of.

"All's not offence that indiscretion finds,
"Or rashness deems so.——"

But those offences were, he said, so mixed and interwoven with perfections, that the one could not be removed without destroying the other. The House could not pretend to correct blemishes in the constitution. It was like the style of ancient authors, of which the critics said, "Qui corrigit delet tam vitia virtutibus mixta." What some people called its faults could not be corrected without destroying all its valuable parts. Many things, he was aware, might have escaped him. Some circumstances more might transpire. If a discussion must take place on such subjects, he would advise the House to "drink deep or taste not." If the principles were to be examined, the fallacy of them would soon be detected; and if any dared to inhibit, he would promise them that they would be reduced to the condition of being the babies of a girl. He disliked this mixture of politics and metaphysics [A laugh]. With much warmth the right hon. gentleman desired those who disliked his metaphysics to answer them. This species of argument had commenced with the American war, and had been carried down to the present period. It was a contemptible chegoe, which, if suffered to penetrate the skin, would bury itself in the inflammation which it had excited, and eat to the bone, defying the power of art to remove it, although in the first instance an old woman might pick it out with a needle.

Mr. *Erskine* said, that had he been absent at the opening of the debate, and unacquainted with the motion before the House, he should have thought, from the manner and argument of the hon. gentleman who had just sat down, that some proposition had been brought forward not only big with ruin to the interests of this country, but such a one as had never before entered in the mind of any man to project.—At all events, he certainly never could have collected from the smile of approbation which covered the features of the right hon. gentleman opposite (Mr.

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Pitt), that the motion which, to his perfect satisfaction, was reprobated and ridiculed, was no other than the very motion which he himself first formally introduced, and made the first characteristic of his public life to originate and support. He must also bring it to the same right hon. gentleman's recollection, that the disturbances and revolutions of the world, and the progress of principles dangerous to monarchy which were now set up as reasons against all reformation, were by himself made the very basis of his own similar application to the House at the close of the American war. At that time a mighty republic had just formed itself on the other side of the Atlantic; but having been forced into that form by the corruptions which he sought to destroy (a principle equally applicable at this moment as then), that mighty revolution, and the agitations which accompanied it, instead of forming an objection, was made the very argument to support the necessity of regenerating our own constitution.

He said he should not attempt to imitate the hon. gentleman who spoke last in the subtlety of logical argument, or in the eloquence of declamation, but must remark, that it would have been more worthy of his talents to have fairly stated his hon. friend's propositions and arguments, and then to have refuted them, than to assume those which never were maintained. Did his hon. friend, for instance, insist upon universal representation as an original and indispensable principle of this or any other government? or did the petition which he presented assert that principle, or pray for its adoption? His hon. friend put the rights of mankind in general, and of the people of England in particular upon truer and higher grounds: he maintained that liberty, property, and security from all oppression, were the unalienable rights of mankind; that all government existed for their benefit; and that whatever representation, general or particular, conduced the most to secure them, they had a right to institute for their protection.—But as they were not assembled to *form* a government, but to *support* one already established, he disclaimed all resort to theory, and maintained his proposition as justified by practical necessity. He would, therefore, recall the attention of the House to the motion before it. What was it? It was simply that they should take into their consideration the petition which his hon. friend had presented, and which, upon being read, the House had received; and the single question was, whether the petition contained sufficient matter, if taken to be true, to render it their duty, either in justice or in wise policy, to endeavour to remove what it complained of? He said "if taken to be true," because as the petitioners offered to verify it clause by clause, the House could not, without inquiry, or rather in the teeth of their own certain knowledge, vote it to be false —What then did the petition assert? It asserted that this House, which is invested with the mighty authority of the representatives of the whole people of Great Britain, were chosen by a number smaller than the subscribers to some of the petitions, which that day had been treated with neglect: it stated that this gross inequality was rendered more unequal by the disproportion of the bodies who elected: it asserted that elections were, and must, in spite of all laws, continue to be procured by *notorious corruption;* that peers of parliament, sent up to the other House from their influence in this, sent by their mandates others to represent them; and that small as the numbers were, compared with the whole people who elected the majority of the House of Commons, they themselves were but nominal electors, the majority of those who sat there being elected by the patronage of the crown and a few great men of the realm, by means of which the people had lost all share in our balanced constitution. Those were the facts they stated, and the simple question was, whether the House was prepared to say, in the face of the public, and to the people they represented, What of all this? Be it so; let these things continue: for that would be their language if they negatived the motion.—To that it had been answered, that those theoretical defects, which the language of discontent had worked up into a libel upon the present government, belonged to its original constitution; that under it the country had improved from age to age, and arrived at its present prosperity and glory. He denied it. He said that there was not in practice, which both sides had agreed to resort to, the smallest analogy between the ancient and modern House of Commons.—He said that before the revolution, when the executive power of the country was in all its ancient vigour, ruling by terror and the instruments of authority, and whilst by the free spirit of

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the English people the Commons were only growing up in strength, and, by advancing upon the other branches of the government, were gradually bringing the constitution to what it now was, the defective representation of the people was a mere defect in *theory*, but of small account in *practice*: it was *then* of such immense importance to the people to struggle against the prerogative, that it was of little consequence who were the electors, if the people were but possessed of an organ where their authority could be deposited and act with force; the crown had not *then* the means of influence and corruption either amongst the electors or the elected, and particular districts of the nation were not then bought, in order to sell again at discretion, not merely those who had been bought, but the rest of the nation, whose interests were left in the hands of the small number which constituted the elective body. Whoever looked at the English history would perceive, that in the infancy of that House, and before the confirmation of its high privileges the Commons were uniformly bent on maintaining popular privileges, and formed a real and practical balance against the crown. There was no danger in those days that the representatives of the few would betray the interests of the many. The Crown and the Commons were separated by fear and jealousy, and when the Commons got together, no matter how elected, they acted on that principle. This was so true, that even Charles and James, when the Commons were risen, were driven to the garbling of corporations: but since the revolution, and particularly since the creation of the immense revenues which had grown up since that time, a new order of things had arisen, and, as all governments stood in practice and not in theory, the English government might be said to be completely changed; corruption had taken the place of power, and therefore, although a House of Commons, elected in any way, having the people's authority, was sufficiently constituted to struggle against power, and although the defective state of the representation had, in that case, no operation, yet, when influence and corruption superseded authority, the popular branch of the constitution might be strictly said to be dissolved.—A small part of the nation was now in the habitual course of either selling the interests of the whole, or else their elective franchise was the absolute property of some individual, frequently of the Crown, who sold it for them, and the persons elected devoted themselves implicitly to the Crown for the emoluments which were carved out of the people's substance to feed them, by which that House had become a counsel of the Crown, and not an active balance against its power. He said those were no imaginations of his; they stood not only upon all history, but upon a modern authority which would be respected by the House, and, he knew, would be particularly bowed to by the hon. gentleman who had spoke last.

A modern author of great eloquence, said Mr. Erskine, speaking of those changes in the English government, truly said, "The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a control upon the people, as of late it has been taught by a doctrine of the most pernicious tendency, but as a control for the people." And he therefore thus indignantly deplored its lapse from that character: "The distempers of monarchy were the great subjects of apprehension and redress in the last century; in this, the distempers of parliament. The power of the Crown, almost dead and rotten as prerogative, has grown up anew, with much more strength, and far less odium, under the name of influence—an influence which operated without noise and violence; which converted the very antagonist into the instrument of power: which contained in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tended to augment, was an admirable substitute for a prerogative that, being only the offspring of antiquated prejudices, had moulded in its original stamina irresistible principles of decay and dissolution. The ignorance of the people is a bottom but for a temporary system; but the interest of active men in the state is a foundation perpetual and infallible. "When the House of Commons was thus made to consider itself as the master of its constituents, there wanted but one thing to secure it against all possible future deviation towards popularity—an unlimited fund of money to be laid out according to the pleasure of the Court.*" That

* Burke's Thoughts on the Cause of the present Discontents.

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fund they all knew existed, augmenting itself alike by the distresses as by the prosperity of the country. But it might be said, had not the nation been equally prosperous under this new system of practice? He answered no. He maintained that the mighty agitations which now convulsed and desolated Europe, that the disastrous events of the moment which were opposed to the motion before the House, owed their very existence to the corruptions of the English government, which they sought to do away.—[Here a laugh from the other side of the House.] Mr. Erskine said, there was nothing so easy as that sort of answer. It would be, however, more decent and parliamentary to expose his mistakes by reasonings. He should listen to them with candour, and follow them if he was convinced; but till then he would continue to assert, that all the calamities which they deplored at that moment had no other origin than the corruption of the House of Commons: and for the first part of the historical deduction he had authorities, some of which the right hon. gentleman would not be disposed to dispute. His illustrious father the earl of Chatham, maintained that a taxation for revenue in America, the fatal cause of the American quarrel and separation, was devised to supply the fountain of corruption in that House; sir George Savile insisted upon it with indignation in his celebrated letter to his constituents; and the celebrated author whose work he had already cited, detailed all the melancholy history in that too-prophetic speech which he delivered in the beginning of that war. He knew the war was for a long time popular in the country, because it was *their* war, and the people unfortunately connected that House with themselves, though there was no substantial connexion. Had that House been in theory what it was in practice, the executive government merely, without an imaginary connexion with the people, how different would have been the event—jealousy would have prevented what confidence produced. It must be remembered, too, that since revenue was to be raised, which either England or America was by their authority to provide, they artfully created a powerful interest in the quarrel by American taxation: but, with all those advantages, the people saw the approaching calamity, and petitioned to avert it long, long before it was too late to have saved America to this country.

He said, therefore, that if this House had then in substance represented the people, America at this moment would still have been an affectionate colony, or, if emancipated by the natural progressions of the world, she would now be spreading the roots of monarchy round and round the globe. They planted her in their better days, and gave her the image of their own constitution—her governors were kings, her councils the aristocracy, and her assemblies the commons; and she felt both pride and prosperity in the reflected greatness of this country. But all that mighty fabric our corruptions undermined and destroyed, and the reign of republicanism began from the abuse of monarchical establishment. This was the first stage of the proof, and the rest too palpably followed it.

The effects of so distant a revolution, brought on by the corruption of our European government, could not have communicated itself so suddenly to Europe, if other governments had not been equally corrupt.—It certainly was not affection for freedom, but to distress England, that embarked France in the American cause; but as that detestable principle could not be openly avowed, her press became free in arguing the justice of the quarrel, and she sent the prime of her army to support it in the field. The consequences every body had seen. Her armies, after shedding their blood in the resistance of monarchical despotism and corruption, and enjoying the triumph of republican resistance, returned home to France to see monarchy in a still more odious and disgraceful form: they soon applied the principles their government had taught them to the government itself, and monarchy in France passed away like an enchantment. Such was the power of opinion. He maintained, therefore, that no fact in history or politics, from the beginning of the world, was more firmly supported, than that the proposition (which some had affected to laugh at) was strictly true; and that the corruptions of the English House of Commons, by resorting to taxation in America for the means of corruption, and carrying on the war to the final separation, had wholly and certainly produced all the changes which agitated the world at that moment.

Mr. *Erskine* said, if the separation of America, and the consequent revolutions of Europe, might thus be traced to the causes he had assigned (and that they

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arose from no other, every man's conscience told him to be true), how could it possibly be denied that the present system of English government had been practically mischievous, when but for those bitter fruits of their corruption they would have been free at this moment from a debt of one hundred and twenty millions, which crippled all their exertions, and have seen the nations around them, as well as the inhabitants of England, bowing to their constitution as the great type and example of happiness, instead of seeing (he was now speaking their own language) the first principles of government broken up, and the country involved in a war to prevent even the internal dissolution of her own constitution. There were some who, forced by their former opinions and practice to admit the existence of those evils and the advantage of some reformation, yet objected to the generality of the motion, and the want of a specific object. He, on the contrary, thought that the generality of the application constituted at once its practicability and its safety. The petitioners recollected, as they ought to do, that they were not without a government which, with all its defects, was still worthy of their confidence and affection: they did not, therefore, step into their place to legislate for themselves, but looked up to their wisdom and authority to provide, as in other cases, for the common good. And it was truly said by an hon. gentleman, whose works he had already cited, that nothing would be more dangerous than for parliament to take advantage of the inartificial mode in which the people express their wishes, or to take post upon their silence. 'If we should be 'able, by dexterity, power, or intrigue, 'to disappoint the expectations of our 'constituents, what will it avail us? We 'shall never be strong or artful enough to 'parry or to put by the irresistible de'mands of our situation, which calls upon 'us with a voice which will be heard. If 'all the nation are not equally forward to 'press this duty upon us, yet be assured 'that they all equally expect we should 'perform it. The respectful silence of 'those who wait upon your pleasure ought 'to be as powerful with you as the call of 'those who require your service as their 'right. It is not wise to force the people 'to speak out more plainly what they 'plainly mean.'

But though no specific remedy was called for, the general nature of it was obvious. It obtruded itself upon the view from the bare consideration of the complaint. The complaint was, that the people had no control in the choice of their representatives; that they were either chosen amidst riot and confusion, and amidst bribery and corruption in the larger districts, or by the absolute authority of a few individuals in the smaller; that no private fortune, even if election were free, could bring up the electors to the poll at a county contest, or the absent freemen in those numerous cities where the election is in the corporation, or stand the expense of the final issue in that House. The principle of the remedy, therefore, must present itself to every mind alike, though different persons might differ in the details. It could be no other than to simplify and equalize the franchise of election, to make each body of electors too large for individual corruption, and the period of choice too short for temptation, and, by the subdivision of the places of election, to bring the electors together without confusion and within every man's reach. Surely this was practicable.

With regard to the time, against which so much had been objected, it appeared to him, that if ever there was one season more critically favourable than another for the object, it was at that very moment. When, indeed, the arbitrary monarchy of France was falling down by the exertions of a great people, and nothing was seen but virtuous exertion and exultation, it might be admitted that in such a conjuncture men might run before the mark, and confound principles together which had no connexion. Such was the alleged, but not the proved, state of England when his hon. friend gave notice last year of his motion—the objection *then* had, therefore, at least, a *plausible*, though not a just, foundation. But, good God! said Mr. Erskine, how different, on the admission of the objectors to the times, was the state of the country at the present moment—starting back with horror at the crimes and calamities of France, and seemingly forgetting all distresses in an enthusiasm for their own government! Surely common sense proclaimed that to be the hour of reformation, more especially when it was left to themselves to originate and to fashion it. So far from being urged on by the people to go too far, they trod like men who feared that the ground would break under them, and could hardly be brought up to the point which their understandings dic-

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tated. Let them seize, therefore, that happy and providential crisis to do, with popularity and safety, what to save their country must be done at last: let them exhibit to the world the vessel of the English state riding amidst the storms of the world, held by her three equal anchors, which keep her motionless and in safety by drawing her equally in their different directions—This was the way to perpetuate the love of monarchy. If they really thought that a spirit of discontent walked abroad, and menaced the safety of government, let them make haste to lay it, by rendering government respectable. If they wished to expose and to discountenance the visions and theories of the day, and to prevent their practical effects, let them exhibit to the people of England, in practice, the real genuine constitution of their fathers, and give them the happiness which flows from its administration. This was the cure for sedition, and the road to content. He should not farther detain the House at that late hour.

Several gentlemen rose to speak, and several called out adjourn. Upon which Mr. Stanley moved, That the debate be adjourned till to-morrow.

Mr. *Pitt* said, he wished the question to be as speedily decided as possible; but as from unavoidable circumstances the debate had begun at a very late hour, and many gentlemen were desirous of delivering their sentiments upon it, he should have no objection to adjourn the debate.

The question of adjournment being put, the House divided: Ayes, 181; Noes, 109.

Tellers.

Yeas,	Mr. Cawthorne - - -	181
	Mr. M. A Taylor - -	
Noes,	Sir William Young - -	109
	Mr. Pybus - - - -	

So it was resolved in the affirmative.

May 7. The House having resumed the adjourned debate,

Mr. *Stanley*, who yesterday moved the adjournment, rose to state, that he conceived the subject to be of the greatest consequence, and made his motion in order to afford an opportunity to every member of delivering his sentiments. The constitution, consisting of three branches, was, he said, admirably adapted to promote the liberty and happiness of the nation, but they had each their distinct provinces. The chief magistrate would naturally guard his own prerogatives, the peers would watch over their privileges, and it was to be hoped that the House of Commons would devote itself in an especial manner, to secure the well-being of the people. The Commons should not wait, to be instructed and excited by their constituents to promote their interests, but they should fore-run them in every thing. If there was danger, it ought to be discovered, and guarded against in the first instance, by the representative body. If disorders prevailed in the constitution, it belonged to them to apply the remedy; or if palliatives were necessary, they were the most proper to apply them. The reform of parliament should proceed from the parliament itself, if a reform was necessary. He declined entering into the question, whether that House required any amendment in the state of its representation: if he were called upon to speak his sentiments, he should not hesitate to say that it did require it, but it was of the utmost moment to consider whether this was the fit time for it. Many things might be proper under particular circumstances which would be highly improper in a different situation. This was a season of war, alarm, and internal disquietude; men's passions were inflamed, and the best disposed were not in a temper to agitate great changes. He did not allude to the affairs of France; whatever their principles were, he knew that Englishmen loved their liberty, and adored the constitution. But heats and animosities had lately unfortunately prevailed in this country, to such a degree, that he feared this was not the time to agitate the question. He admitted that the executive power must have a control somewhere, and that House was certainly the place for it; but sooner than risk the dangers of innovation at improper seasons, he would consent for a time, especially under a mild government, to have his liberties suspended. Under an Aurelius, or an Henry the 4th, he would prefer the abridgment of his freedom to those violences that were ever attendant upon revolutions. Although he was a steady friend to a reform of parliament, he desired it to be understood that he was so under some modifications. He entirely differed from those gentlemen who wished to extend the elective franchise to all. Amendments were necessary, and when the time should come best adapted for the purpose, he would heartily concur with

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the friends of liberty in promoting them.

Mr. *Buxton* professed himself to have ever been the friend of reform, and should certainly, if the circumstances of the time were in his mind such as were compatible therewith, give it his support; but he thought the present period, when we were involved in war, an unfit period for entering into any discussion upon the subject. He thought it a point of too great nicety to be tampered with in the moment of uncertainty; it should be only entered upon when the principles of the people were more fixed and settled than they were at present. With regard to the Russian armament, he was decidedly of opinion, that it was a politic measure, though the people exclaimed against it; and if the minister had not been prevented from the prosecution of his plan, we should not now have seen what every sincere lover of liberty must deplore, the downfall of the liberties of Poland, and the partition of her territory between ambitious powers. At present the people at large were, he thought, content with their situation; they had been alarmed by the importation of French principles, which tended to confusion, anarchy, and rebellion, and they would rather submit to some inconveniences than press the proposed reform at the risk of disturbing the internal tranquillity of the country; were it not so, there could be no doubt but that the table of the House would have been covered by petitions from every county in the kingdom; and when that should take place, he would cheerfully concur with their wishes. He thought the present an unfit time for inquiry, and upon that ground should oppose going into the committee.

Mr. *Duncombe* said, that he ever had been the firm friend and supporter of a rational reform in parliament; he had twice had the honour of seconding motions made by his right hon. friend (Mr. Pitt) upon that subject, though he much feared at the present time he should dissent from the opinion he held. He was sorry to differ from him, because there was no person of whom he entertained a higher opinion, or for whom he had a more sincere regard and, in his opinion, he had merited, for his support of a parliamentary reform, the highest praise—greater praise, in that respect, than the right hon. gentleman opposite him (Mr. Fox), who had ever professed himself the friend of reform, but had never brought forward any specific motion for that purpose. With regard to the objections which had been stated against reform, he differed widely from the gentlemen who stated them; he did not see the present period in that alarming point of view in which it had appeared to other gentlemen—there was nothing which he could see in the present time, that rendered it unfit for the discussion of any subject whatever. The other objection which had been urged seemed to him equally frivolous, namely, the disturbances which had arisen in France from the innovations made in the form of their government. Dreadful indeed would those calamities be to this country, if they should prevent us from protecting and supporting our liberties, or from entering into any discussion upon the reform of such abuses as may have insinuated themselves into our constitution. It had been predicted by an eminent statesman, the late earl of Chatham, that the abuses of parliament must be reformed before the end of the present century: he was much inclined to believe the prediction; for when the people raised their voice, they must be heard. He was well assured, that it was the opinion of the majority of the people, that a reform was become necessary; he wished parliament, therefore, to make a merit of granting what would otherwise be forced from them. He urged the great benefits arising from well-timed concessions, and the evils that might thereby be avoided. By a well-timed concession we might have saved America; for if in the first commencement of our disputes with that country, we had consented to have given up one half of what we were afterwards compelled to, we might have saved ourselves the loss of the colonies, and the disgrace of submission. If Charles 1st had made a merit of granting at first what he was compelled at last to surrender, he would have preserved his crown, and avoided the dismal catastrophe which followed.—The plan proposed by the hon. mover appeared to him to lean rather too much to the principle of popular representation. Though he was an admirer of rational reform, he could not assent to a measure of this kind. The late Mr. Flood had some years ago introduced a plan of reform, which, in most respects met his approbation; it was very different from the present plan. He should, however, vote for the motion.

Sir *William Young* felicitated himself upon the advantage which he then possessed in addressing himself to those who

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had been elected to that House by persons of the description that he hoped would ever enjoy the right of sending members to parliament. If the present measure should be adopted, he had little hopes of a patient hearing by a house that should be elected by those who seemed to be peculiarly favoured by the petition that gave rise to this debate. He had uniformly maintained one opinion since he began his political career, namely, that the country had too much of a commercial turn, and that its commerce would soon become more than a match for its virtues. He rejected the cautious manner in which the business was treated yesterday, and he meant to speak out plainly and fully. The petitioners proposed a measure that evidently tended to throw weight into a scale that preponderated too much already. Were it not for burgage tenure boroughs, and others that were bought. [Hear, hear!]—Sir William reminded the House, that he had declared he intended to speak out, and therefore he would repeat, that boroughs bought and controlled by men of property formed the only balance to the commercial influence, which was increasing by too rapid strides, and ought to be checked. The constitution of the House of Commons, as at present formed, was absolutely necessary to the support of the constitution of the kingdom; alter the former, and the latter must perish. He denied that true representation was founded either upon property or numbers abstractedly considered. A delegation of members to that House ought ever to consist of gentlemen answering the description of those whom he then addressed, persons having one common interest with those who sent them there. Sir William Temple, in his account of the constitution of the United Provinces, states, that there is more property in Amsterdam, and greater number in the province of Holland, than all the others united, and yet no objections had ever been urged against the representation of the whole. He was therefore of opinion, that the petitions had no reasonable foundation, and that no alteration ought ever to take place.

Sir *William Milner* said, he had been a friend to reform formerly, when that cause had been taken up by the county of York, and he would be glad, either now, or at any future time, to join again in that cause, if taken up by the hon. member for that county (Mr. Duncombe). He spoke in strong terms of the respectability of the Society of the Friends of the People, but said, he could not give his vote at this time in favour of the motion. He could not do so for this reason, that he conceived the majority of the voice of the people to be decidedly against it; and the hon. mover had himself stated, that laws must, to bind all, be consented to by all. He did not believe that the petitions on the table spoke the sense of the people; he was satisfied that any idea of reform was, at the present moment, against the sense of the people; and, for that reason, he must vote against the motion.

Mr. *Francis* said:—Mr. Speaker, I cannot but congratulate the friends of parliamentary reform, and the country in general, on the auspicious opening of this debate. The three gentlemen, who have spoken first this day, members of parliament as respectable in point of character and situation as any who sit here, and totally unconnected with any of the parties, by whom the present motion is supported, have declared themselves strongly, though generally, friends to the measure. I receive the declarations they have so honourably made, as a pledge of their principles, and an omen of success. The two first of these gentlemen have doubts about the time. They think we ought to wait for a more favourable opportunity, when they shall be ready to concur with us. Undoubtedly it is for them to judge, at what period they will act. I wish them only to recollect that, when this measure was introduced last year we were at peace with all the world, and the country was allowed to be in flourishing circumstances. The question, put to us then, was, why are you not satisfied with the advantages you enjoy? Why should you wish to change or improve, when all is well, and when apparently the people are contented? That argument will not do now; but the enemies of reform have another in readiness to serve their present turn. —They have clothes for all seasons. Since last year, the state of the kingdom is completely reversed. We are involved in a foreign war, and this war is attended already with uncommon domestic calamities. Is this a time to think of changes in the constitution? for so they are pleased to call every measure, that proposes to correct abuses, by reverting to principles. Is this a time to disturb or agitate the minds of the people, or to weaken the hands of government? These

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gross contradictions ought to defeat one another. It is not fair to suffer such hostile and inconsistent arguments to act in concert, as they do, against one and the same measure. With respect to times and seasons, I shall only say that, to minds, unwilling to do right, all times are equally inconvenient and improper. To him, who dislikes the voyage, all the winds of Heaven are equally unpropitious. He looks for nothing but pretences to avoid it.—The hon. and worthy representative of Yorkshire (Mr. Duncombe), has declared himself frankly, and without qualification or reserve. He says he is a friend to a reform of parliament now and at all times, because it is now as necessary and as safe as it can be at any other period. But, if the war be an immediate objection to the attempt, he trusts that objection will not last long, that it will not be permitted to subsist any longer to the ruin of the country. He considers the war, as I do, as in itself a mischief enormous. But, when the authors of it, not contented with the calamities inseparable from war, make it a pretence for objecting to the only measure that can restore and preserve the constitution, the only one that can prevent such ruinous wars in future, then indeed it is time to remove this pernicious obstacle out of our way, and put an end to this treacherous objection. The hon. baronet, who spoke last, assures us that our ideas of correcting abuses are visionary and impracticable; that they are inconsistent with that corrupted state of manners and morals, which riches and luxury have introduced into the nation, that the country is too great a merchant to be honest, that we are too commercial for our virtues, and this he says in the House of Commons of Great Britain, in the presence of the representatives of the first commercial nation in the world; and this he says, while his own personal independence stands on the possession of a fortune derived from the very sources of industry and commerce. [Here Mr. Francis was called to order by sir William Young.] I do assure the hon. baronet, I had no thoughts of giving him offence. I shall therefore content myself with observing generally, what I am convinced is true, that commerce in itself, and conducted on its true principles, as it has been in this country, excepting always one spurious and dishonourable branch of it, has no tendency to corrupt or degrade the character of the people who are engaged in it; but that, on the contrary, by making them apply their faculties to active occupations, it keeps them out of vice, and that in proportion as commerce expands her operations, their real tendency is, to enlarge, to enlighten, and to improve the mind. But, if the fact were otherwise, what conclusion would he draw from it? Would he have us abandon the resources of our trade? Would he risk the loss or diminution of those revenues, which alone can support the present war, in order to mend our morals? It may possibly be true, as he says, that we are too commercial for our virtues; but I am afraid that our present situation calls for every contribution, with which commerce can supply us, and that neither the virtues nor the resources of the landed interest will be sufficient to enable us to encounter the expenses, the debts, and the distresses, which the present pernicious war is likely to bring along with it. But these incidental reflections have carried me too far from the question before us. It is time I should return to the purpose for which I rose.

Sir, I voted against the adjournment last night, for other reasons, but principally because I was desirous of adverting to some passages in a very ingenious speech made by a right hon. friend of mine (Mr. Windham), while they were fresh in my memory. However, as this is a continued debate, I believe I shall be strictly in order, in referring to what he said, as far as my memory will serve me. I know myself and him too well, to think of entering into a competition of any kind with my right hon. friend. Between him and me, a hostile contest, I am sure, can never happen. My intention is not to provoke an unfriendly difference, but to solicit an amicable discussion, such as those with which he has often favoured me, on other subjects, and in happier times. If I should appear to question his judgment, to combat his opinions, or, in this single instance, and on this occasion only, to undervalue his eloquence, no man, I trust, will suspect me of the folly of pretending to an equality with him. The rank and qualifications of men should be measured by their pretensions. To imagination or eloquence, I have none. But I will not descend so low as to profess that I have no judgment, no judicial faculty what-

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ever to examine or pronounce upon the genius and eloquence of others. It would be a poor affectation to stultify myself for the sake of a comparison in favour of any man.

I cannot follow my right hon. friend in the endless excursions of his rapid imagination. Sometimes he soars so high into the regions of the air, that it would require the eye and the wing of an eagle to pursue him. Then down he drops, with equal rapidity, from heaven to earth, to the depths of the sea, and to the waters under the earth. I cannot fly, nor swim, nor dive as he does. But if, for a moment, he will condescend to restrain the preturnatural activity of his mind, or reserve it for occasions, in which fancy ought properly to predominate over reason,—if he will descend from these altitudes, and meet us on plain level ground, for the purpose of discussing a plain terrestrial question, not of abstract speculation, not of theories untried, but of practical prudence; then, Sir, he shall find me as ready to be guided by his wisdom, as ever I have been to listen to his eloquence. On this subject, of all others, he is most strictly bound by his duties to satisfy my understanding. On the present occasion, in my judgment, he has not filled up the dimensions of his mind. He has been eloquent and brilliant; but as to the purpose, and business, and duty of the debate, he has totally failed. On this head, I have many complaints to make of him; but he may be sure that I shall never appeal against him to any man but himself. In the first place, then, I accuse my right hon. friend, in his own court, of bad taste in the composition of some of his late speeches, particularly the last. Let the occasion, the subject, the argument, be what it may, he has but one way of treating it. War and peace, the repair of a turnpike, the better government of nations, the direction of a canal, and the security of the constitution, are all alike in his contemplation. The French revolution is an answer to every thing; the French revolution is his everlasting theme, the universal remedy, the grand specific, the never-failing panacea, the perpetual burthen of his song; and with this he treats us from day to day; a cold, flat, insipid hash of the same dish, perpetually served up to us in different shapes, till at last, with all his cookery, the taste revolts, the palate sickens at it. Has he no choice of topics? Has he lost the fertility of his mind? Are the sources of his imagination dried up or exhausted? Has he no way of opposing a reform of corruptions and abuses in our own system, but by telling us incessantly what mischiefs have been done by madmen in another country, acting in circumstances totally different from ours! Has he no other way to convince and satisfy sober Englishmen, debating on a great and serious interest of their own, but by warning them against the folly and wickedness of the French! Let me entreat my right hon. friend, if his wit and wisdom be fairly worn out in the service, to console us at least with a little variety. I know he is a privileged person. I know with what favour he is heard at present. Yet, after all, it is not generous in him to persecute, as he does, so patient an audience. But these are trifles. I have a heavier charge against my right hon. friend, of which he himself shall be the judge; for the confidence I repose in his honour and in his virtue is unbounded. I accuse him of suppression of evidence in the very statement of his own favourite argument, of palpable partiality and injustice to us, to the French, and to himself. The eminence of his mind ought to give him a commanding view of every part of every subject, to which he applies it. If the French revolution be his theme, I expect it from his personal honour, I demand it from his justice, that he will bring the whole of the question impartially before us. I cannot suffer him to confine the comprehensive powers of his superior understanding to narrow imperfect views of so great a subject of meditation and instruction. I deny that there is any fair, any rational conclusion to be drawn from the circumstances of the French revolution to the situation of this country. The people of England neither want the warning nor the lesson. But let him state it so, if he pleases. Give us the example, but give it to us entire. Is it fair, is it honest, is it truly instructive, to insist upon the mischiefs, which the French revolution has produced, and to keep out of our sight the original enormous mischief, which produced the revolution? What use, what benefit, what lesson, am I to derive from a bare knowledge of the effect, if the cause of that effect be carefully concealed from me? Let him bring the case completely before us, and then I shall leave him at liberty to load whatever part of it he may think the most

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odious in the instance, or most dangerous in the example. He cannot paint to me the horrible crimes and calamities with which the French revolution has been attended, without carrying back my mind to the source and origin of those evils —to that infernal despotism, under whose rod a mild and generous people have been perverted into a nation of savages. Such was the school, the master, and the education. What scholars did he expect from it? If he states the premises fairly, and argues regularly from them, I care not to what length he carries the deduction; his conclusion must be mine. The fruit has been bitter indeed, and blasted be the tree that produced it! These are the grand comprehensive lessons, which I expected from the genius and wisdom of my right hon. friend. In me, it is no flattery, no compliment to acknowledge the intellectual superiority of his mind. He knows how little I value these advantages in themselves. The abilities of eminent men are their weapons, not their merits: let us see what use they make of them. How has it happened, how was it possible, that of all the important reflections, suggested by the events which have happened in France, the only one really applicable to the instruction of those whom it concerns in this country, should have escaped him! I mean to state it in the form of a supposition only, and leave the inference to be drawn and applied by every man to his own use.

We have seen the consequence in France of driving a submissive people to the violent application of extreme remedies to extreme disorders. Let me ask my right hon. friend, or any man, who knows what the internal state of France was for a few years before the late convulsions, whether if, at any earlier period, suppose for example at the accession of Louis the sixteenth, there had been wisdom and virtue enough in the constituted powers and orders of the kingdom, in the ministers of the executive power, in the nobility, in the clergy, in the parliaments, to have granted some reasonable, though moderate relief to the people, to have corrected some of the most intolerable abuses in the government, to have surrendered some part of their own invidious, oppressive, and very often useless privileges with a good grace—whether, in that case, he does not think it probable that the ruin, which their obstinate adherence to the established system has brought on themselves, and on their country, would have been prevented? For myself I can affirm, that it is not possible for the human mind to feel, on such a subject, a conviction more decided and complete than I do, that, if the prudent concessions I allude to, had been made in time, the monarchy of France at this hour would have stood untouched, and that the hierarchy, the nobility, and the law, instead of being crushed and demolished as they have been, would have remained in their places unmoved, with no material diminution either of profit or splendor, and certainly with greater security than ever. They yielded at last, but at last it was too late. Upon us, I hope, the example of their conduct and its consequences will not be thrown away.

I have impeached the taste and justice of my right hon. friend. But I have another appeal to make to his personal spirit, which I know to be as high as belongs to any man. Let me intreat him to consider, whether it be consistent with his character, to exhibit so much courage, where there is so little provocation or occasion for it. On the crimes committed in France it is an easy matter to enlarge; but to what purpose? Who is there in this House to be convinced or converted on that subject? He may flourish his sword in perfect safety on this ground, as all men may do, who have nobody to contend with. Certainly he will meet with no opposition, but on the contrary, the most hearty concurrence in me and every person with whom I have the honour of acting in this place. With all his imagination I defy him to conceive, with all his eloquence I defy him to express, a deeper sensation of disgust and detestation, than all of us have felt at the abominable scenes which have lately been exhibited at Paris.

My right hon. friend must now permit me to lay another instance of injustice to his charge—extraordinary indeed in its nature, though not very important in its effect; and this shall be the last. The House have heard him, with every pleasure that belongs to astonishment, while he ranged over the whole circuit of human science, and glided through every region of the moral as well as the intellectual world; through ethics, mechanics, pneumatics, hydraulics, geography, mathematics, astronomy, and logic; through all the polite arts, of swimming, flying, burning, skaiting, diving; the learning of his library, and the

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meditations of his closet. On one subject alone he has studiously maintained a most delicate reserve. The unfortunate motion on your table, as far as I am able to recollect, has never been blest with a single moment of his attention. On the actual subject of the debate, you may find him every where but at home. One would have thought, Sir, that the power of invention could have added nothing to the curiosity of this proceeding. Other men, perhaps, with industry and resolution, might have stated the premises, and applied them to the question as accurately as he has done. But it was reserved for the genius of my hon. friend to discover a connexion between those premises, and the conclusion he has drawn from them. After giving the House a specimen of his skill in every department of abstract science, of the depth of his theories, and the extent of his speculations, without bestowing a single glance on the simple question, whether we shall or shall not appoint a committee to consider the petition, my hon. friend turns short upon us, and says, look you, gentlemen, I am a plain practical man. I take things as they are. My opinions are founded on experience. It is you, philosophers, you theorists, you metaphysicians, who have done all the mischief, and would do much more, if you were not counteracted by simple, solid, experimental understandings, such as mine! I believe, sir, I may venture to say, that a more noble instance, than this, of bold and vigorous incongruity, a more intrepid *disparate*, as I think the Spaniards call it, is not to be found in modern or ancient eloquence.

In the course of this debate some remarks have been made on the petition on your table, and some invidious inquiries about the persons, who have signed it. Allow me to answer them by stating the fact. Undoubtedly, Sir, if they, who have prepared this petition, had thought that the authority of numbers would be useful to strengthen the remonstrances it contains, or to enforce the prayer of it, they might easily have contrived to get it signed by many thousands. But, if they had done so, what would have been the consequence? We should immediately have been told, and I think with reason, "You have brought us a long, laboured, intricate representation, signed by multitudes, who could not possibly have read it, or known what they were signing." Foreseeing this reflection, we have taken a wiser course. The petition is signed by a few; but by no man, who has not read it, who does not understand the contents, and is not convinced of the truth of it. The quality of the petitioners too, I presume, will be thought to entitle them to attention. It is not that I regard these factitious distinctions myself; but they, who do, may be assured that the majority of the petitioners I know, and all of them, I believe, are gentlemen who, in point of rank and fortune, are on a level with the generality of this House, and that, if I had not been precluded by my situation in parliament, I should have been proud of signing it myself, and even have claimed it as the post of honour to have taken my station among the foremost in the list. I have no earthly personal interest in the success of the measure. On the contrary, the agitation of this question has been to me the source of infinite personal uneasiness; of coldness, distance, and separation in private life, where once the warmest friendship and affection have subsisted; but my heart and mind go with the measure, and while there is hope, I never shall abandon it.

An hon. gentleman (Mr. Jenkinson), I think, observed last night, that, in fact, there was no occasion for so general a remedy as that which the petition aimed at. He did not deny that corruption existed in the election of the House of Commons; but in part, he defended the practice as a thing tolerable in itself, and for the rest, he assured us, that the worst part of the abuses in question were gradually decreasing; that, as the instances occurred, they would be successively corrected, and that, let the evil be what it would, this was the best way of removing it. That hon. gentleman will pardon me, if, with longer experience and observation of the subject, I differ from him about the fact. I affirm, with certain knowledge, that corruption has been for many years, and is in a state of progression; that is, from the revolution to this hour. How it stands now, I need not attempt to explain; for I am in the company of those, who understand the subject as well as I do. But I beg leave to state to the hon. gentleman what the situation of parliamentary bribery and corruption was in this country about twenty years ago. The instance is curious and the authority unquestionable. I take it from a letter written by the late earl of Chesterfield to his son, never intended to be made public,

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and unconnected with party views of any kind, even those of the time he lived in:— "Since that I have heard no more of it, which made me look out for some venal borough; and I spoke to a borough jobber, and offered five-and-twenty hundred pounds for a secure seat in parliament; but he laughed at my offer, and said that there was no such thing as a borough to be had now; for the rich East and West Indians had secured them all, at the rate of three thousand pounds at least; but many at four thousand; and two or three that he knew, at five thousand."

Perhaps it will be said, the times are mended. Sir, for myself I can only protest, that I have some reason to think otherwise. So far from any fall having taken place in the price of boroughs, I believe it never was higher than it has been lately, and that the most unfair advantages have been taken, by dealers and chapmen, of customers in particular situations.—I have heard of a worthy gentleman who, after having made his bargain for five thousand pounds, without being known to the other party, was charged six thousand as soon as his name was discovered, and merely because the proprietor of the commodity would not take less from an honest gentleman, who had existed in the East Indies. You will allow, Sir, that the worthy person I allude to was hardly treated in that affair.—I give you this instance, out of many, as a proof of the actual state of the abuse. You see, by lord Chesterfield's letter, how the case stood twenty years ago. Do you seriously believe that the purity of borough mongers, and the morals of the electors of Great Britain, are mended since that time? that the commodity is not so scarce, or the demand for it not so considerable as it has been heretofore? On that point, I can give you nothing but my own opinion and conviction, and I shall give it to you now in the solemn adopted language of parliament, that corruption "has increased, is increasing, and ought to be diminished."

The Earl of *Mornington* said, that his objections applied to the whole spirit and substance of the measure which was the subject of this debate; but that he did not mean to complain of the particular form in which it had been introduced into the House. Every proposition containing a specific plan for altering the frame of parliament, must involve many intricate questions of detail, and must lead to the consideration of a variety of complicated and minute provisions.—The discussion of such a detail had been sometimes supposed to offer the most advantageous ground of opposition, which could be desired by those who were determined to resist the introduction of all new projects of representation, and to maintain the constitution of parliament on its old foundations. For his part, he desired no such advantage in this argument. He rejoiced, that on this occasion no specific plan had been proposed, which, either by the number and variety of its defects, or by the plausible appearance of some subordinate parts, might divert the attention of the House from that great, leading, and preliminary question, on which he was anxious, in the first instance, to fix the minds of those who heard him, "Is it necessary for the public good to make any alteration in the existing frame of parliament?"

The hon. gentleman who presented the petition had held an open and a bold language, and his candour in that respect deserved acknowledgment: he had plainly avowed, that if the committee should be granted, and if adequate remedies should be applied to the grievances alleged in the petition, the event must be "a change in the government of the country." By a change in the government, the hon. gentleman could not intend merely a change in the administration: he was, undoubtedly, incapable of proposing to the nation, to alter the whole order of the representation in parliament for a purpose so unworthy as that of transferring power from the hands of any party to those of another; he could not intend to pursue, by such means, an end comparatively so trivial. His purpose, therefore, is something of a more serious and durable nature; it is to change, not the administration only, but the very genius and spirit of the British government; to separate those elementary principles of monarchy, of aristocracy, and of democracy, which are now mixed and blended in the frame of this House, and by combining them again, according to some new and different rule of proportion, to create a system, of which we at present know nothing more, than that it is to be new in its texture, and wholly different in its effect from the existing order of our happy constitution. A project so stated, and of such extent, has not been agitated in parliament during the present century; and it is a duty which we all owe

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to the present and to succeeding times, to pause, and to deliberate with the utmost caution, before we consent even to take the first step towards a measure of such powerful effect, and of such lasting consequences. Before we part with those foundations on which the government has been so long settled, it becomes us to recollect what that is which we are about to destroy, and to ascertain, as far as human foresight can enable us, what is likely to be substituted in its place.

Lord Mornington said, he would state, as distinctly as he could, the several questions which occurred to his mind as necessary to be carefully examined in the earliest stage of this deliberation. In the first place, we ought to examine what is the nature, extent, and value of the practical benefits which the people actually enjoy under the present frame of parliament? and whether they are so evidently unconnected with the present frame of parliament, that an alteration of it could not possibly endanger their continuance? In the next place, what is the nature and extent of the practical grievances now alleged?—whether they can reasonably be imputed to any defect in the frame of parliament — and if they can, whether they are of such weight and importance, as to overbalance the benefits actually enjoyed by the people? And lastly, is there a reasonable prospect that such a government is likely to be substituted in the place of the present, as shall better secure the benefits actually enjoyed by the people, or afford a more certain and effectual protection against the grievances of which the petitions complain?

In considering the first question, no argument is necessary to persuade the House of the real existence of those eminent and substantial advantages which, for more than a century, have been universally felt, acknowledged, and understood, in this happy and flourishing nation. To enumerate them will be sufficient: and no man can hear them named without feeling a due sense of their value. We know, that in many other countries a large share of political power has been directly exercised by the people. The form of all such governments is, in the common acceptation of the word, free; but the practical result has often been the most odious and intolerable tyranny; and never, under any distribution of political power, of which the memory has reached us, or of which we now see the operation, have the true ends of society been so effectually accomplished, or so long preserved, as under that government, which it is the professed design of this motion to change. Under that government, the life of every individual is secured by the mild and equal spirit of the law; by the pure administration of justice, by the admirable institution of juries; and by the gracious and equitable exercise of that prerogative, which is the brightest ornament of the British crown, the power of mitigating the rigour of criminal judgments, and of causing law and justice to be executed in mercy. Under that government, the liberty of the subject is established on the same foundations, and protected by the same safeguards, which maintain the whole system of order in the state; it is a temperate and rational liberty, inseparably connected with all the most sacred duties of society, and while it adds new force to every civil, every moral, and every religious obligation, it derives from them its most powerful activity, and its most substantial strength. Resting on such foundations, and united with all the virtues, and with all the genuine interests, both of the monarch and of the people, it has long remained inviolate, and it seems to contain every principle of stability, which can enter into the frame of any human institution; for it can neither be abused by the subject, nor invaded by the Crown, without equal hazard to the safety of both; without endangering some fundamental principle of private tranquillity and domestic comfort on the one hand, or without disturbing the harmony and impairing the vigour of the monarchy on the other. Lord Mornington next spoke of the right of property, a right which, he said, was rendered sacred by the whole tenor of our laws, and was the basis of the constitution of parliament.

These are the principal advantages which every subject of the realm now enjoys—the safety of his life, of his liberty, and of his property; and surely these advantages will not be more lightly esteemed by a wise people, because they are become habitual by long and uninterrupted possession. They are, in fact, the true sources of the security, of the repose, and of the affluence of private life; and therefore they may justly be deemed the efficient and immediate causes of all real happiness in society. These advantages are confirmed by a peculiar excellence in the practical effect of the present structure of

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Parliament. Whatever might be contended to be the defective state of the representation in theory, it is an undeniable fact, proved by daily, and almost by hourly experience, that there is no interest in the kingdom, however inconsiderable, which does not find some advocate in the House of Commons to recommend it to the attention of the legislature. From the same sources are necessarily derived the wealth, the power, and the splendor of the empire: it is the sense of safety, it is the confidence reposed in the protection of the government, which have encouraged the subject to adventure the fruits of his industry and skill in those enterprises of agriculture, of commerce, and of manufactures, which, in the various stages of their progress, contribute equally to the profit of individuals, and to the prosperity of the state. From the united effects of all these circumstances, the collective interests of the empire have been in a progressive state of improvement ever since the period of the Revolution. Even during most of our wars, the advancement of trade, and general opulence, has not been interrupted, particularly during the war of 1756; in the course of which, the commerce of the nation was scarcely less prosperous than her arms. One unfortunate exception to this statement must be admitted—the American war. That war, (which was, in its origin, the war of the people) with every other calamity, undoubtedly produced a general stagnation in the sources of national prosperity.

In 1772, the value of the imports was 14,500,000*l.* and that of the exports 17,700,000*l.* They had sunk in 1782, to 12,700,000*l.* imports, and to 11,400,000*l.* exports, But whatever argument may be drawn from this period of disgrace and disaster, the rapid recovery of the country from the consequences of those misfortunes must not pass without remark. From 1782 to 1791, the imports rose to 19,600,000*l.* and the exports to 22,700,000*l.* In 1792 they were 19,600,000*l.* imports, and 24,800,000*l.* exports. Decrease from 1772 to 1782, imports 1,800,000*l.*, exports 6,300,000*l.* period of American war. Increase, 1782 to 1792, imports 6,900,000*l.*, exports 13,400,000*l.* period since the peace. Increase of 1792 above 1772, imports 5,100,000*l.*, exports 7,100,000*l.* Thus, with all the imperfections and irregularities of this reprobated frame of parliament, the nation has risen from the lowest state of humiliation and adversity,

"More glorious and more dread than from no fall,
"And trusts herself to fear no second fate."

What had been the means by which the nation had not only surmounted all her difficulties in so short a time, but had been enabled to appear again among the states of Europe with increased strength, and with augmented splendor? During that period, no change of the system of representation had taken place. Whatever was affected by the reduction of the influence of the Crown, proceeded from the House of Commons under its present constitution. There was nothing to aid the country in that memorable struggle, but the intrinsic vigour of the constitution itself, neither improved, nor impaired by any alteration; it was the wisdom of parliament, supported by the uniform confidence and co-operation of the people, which had been found equal to the arduous task of retrieving the affairs of the empire, in a crisis of such difficulty and distress, as perhaps had never before been overcome by any empire, of which the memory remained among mankind. This example, therefore, of the American war, considered in all its parts, exhibits another important practical excellence in the existing frame of the government. For it shows, that if the constitution has not the power (and what human work can have the power?) to exempt us from every vicissitude of fortune, yet it contains an active principle, which, after the most severe calamities, enables the nation to recover her strength by a natural effort, and to repair all her losses from her own internal resources. Lord Mornington then said, he did not think he was called upon to prove, that all these advantages would necessarily be destroyed by any alteration in the present construction of the House of Commons. The weight of proof in this argument must be imposed on those who propose a change in the government. It is incumbent on them to show, that these inestimable blessings are not interwoven with that system, which they mean to disturb. It cannot be denied that these blessings have been coeval with the present frame of government. We know that they can exist together; we do not know that they can exist separately. Their co-existence for so long a period will be a strong presumption of their being intimately connected, until some stronger proof can be adduced to the contrary. It is not, perhaps, within the reach of human wisdom to trace each of these happy effects

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(which every man feels) distinctly to its immediate cause, in any one of the mixed principles of our government, or in the specific proportion which those principles bear to each other, as they are now combined; but it is at least as arduous an undertaking to prove, (without a previous experiment) that any different temperature of the same principles would produce the same effects; happier effects cannot reasonably be expected, or desired, and it would be a most criminal rashness, to commit the happiness of a whole nation to the hazard of a perilous experiment, which, at best, does not even promise any practical improvement in the civil condition of the people. Even in a constituent assembly, deliberating with no other view than that of selecting the best possible system of government, without prejudice in favour of any doctrine, and without attachment to any institution, under every imaginable circumstance of advantage to the hon. gentleman's cause, what would be the determination of this argument? Let us suppose, that in a constituent assembly, the hon. gentleman were not merely to avow a design of changing the existing government of his country, but were to propose in its place a new theory, more perfect than any which the human understanding ever before conceived, and to all appearance exempt from any of the irregularities of the British constitution; his eloquence, and his ingenuity would certainly be applauded. But if, on the other side, some person were to rise, and to oppose to that beautiful theory, a constitution, which, however irregular and anomalous in some of its parts, had realized to the people, for more than a century, every substantial benefit, which the hon. gentleman could hope to attain by the complete practical success of all his most sanguine speculations; would not even a constituent assembly (in which wisdom and prudence had any influence) adopt that constitution, which had been proved to be competent to all the ends of good government, in preference to a theory, framed with a view to the same ends, but of which the practical operation was untried, and must therefore be uncertain? Having stated these considerations on that question, which he had proposed at the opening of his speech, as the first to be examined, lord Mornington next adverted to the nature of the practical grievances alleged in the petitions and proceeded to inquire whether they were to be imputed to the defective state of the fabric of parliament.

The principal grievances enumerated were.—The whole system of the wars in which the nation had been engaged; the debt in which it has been involved by those wars; and the taxes with which the people are burthened in consequence of the debt; and it is asserted, that these evils could never have existed, if the representation of the people in parliament had been differently modelled. That war is at all times a great evil, and that our wars have been the original causes both of the national debt, and of the taxes, is a truth which cannot admit of dispute. But it is also true, that under certain circumstances, war may be justly demanded by the unanimous voice of the wisest nation, and may become of necessity even the systematic policy of the most prudent, moderate, and incorrupt councils. In order to substantiate the comprehensive charge exhibited by the petitioners against every parliament which has sat since the revolution, it must be proved, that our wars since that time have generally been undertaken in contradiction both to the declared sense, and to the manifest interests of the people. But no man who is not entirely ignorant of our history, will hazard a proposition so false in all its parts. The peculiar situation and circumstances of this island engaged the nation for a long time in successive contests for the preservation of her constitution, of her trade, and of her foreign dominions. The wars which immediately followed the revolution, were absolutely necessary for the security of that auspicious settlement. The recent establishment required protection, not only against the abdicated king, and those who supported his cause at home, or who had followed his fortunes abroad, but also against the pride and jealousy of Louis 14th. He could not suffer a limited monarchy, founded on the liberties of the people, to grow up, and flourish in peace so near his throne. He naturally foresaw that such a constitution must become a continual reproach to the tyranny of his government, and an insuperable obstacle to the progress of his ambition.—It was therefore his policy to attempt the destruction of so formidable a neighbour, by every means both of open force and secret machination; and under such circumstances, every motive of self-preservation, of justice, and of honour, required, not only that the English nation should oppose a

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firm resistance to the direct attacks of this restless and implacable enemy, but that a systematic plan of offensive alliance, and of vigorous war, should be steadily pursued for the effectual reduction of his overgrown and dangerous power. These wars, undertaken in such a cause, and with such views, were the original foundation of the national debt; and if it should be observed, that they were undertaken in opposition to the wishes of a numerous party in the nation, let it be remembered, that the same party was equally disaffected, to the cause of our liberties, of our laws, and of our religion. The wars in the reign of queen Anne were directed to the great object of preserving the crown in the Protestant line, and of insuring the accession of the illustrious family now on the throne. Since the happy accession of that family, the great increase of commerce, and the extension of our dominions in every quarter of the globe, have excited the jealousy of other powers; the nation has often been compelled to defend the freedom of her trade; and in contending for that object, it has been her fortune to extend her foreign possessions by large and valuable acquisitions of territory. The defence of those acquisitions has again induced the necessity of having recourse to arms. And unless it shall be maintained, that to preserve the principal sources of our commercial opulence, of our revenue, and of our naval superiority, was an unwise and unjustifiable object of war, the policy and justice of the wars undertaken by the princes of the house of Brunswick can be as little contested, as it can be denied, that the conduct and event of those wars have been glorious to the military character of this brave people. Lord Mornington said, he would not fatigue the House by entering more particularly into the history of the wars since the accession of George 1st, but he would assert generally, that many of them were wars of absolute necessity; all were undertaken with the concurrence, and most of them, not only in strict conformity to the interests, but at the earnest desire of the public. Perhaps it would appear on a nearer view of the subject, that the most popular wars had also been the most expensive, and had generally terminated in the largest increase of the national debt.

Here, however, the case of the American war was again to be distinguished from the rest. That war, it was well known, was commenced with the public approbation. It was undertaken for the specious purpose of asserting a right in parliament of compelling America to relieve the Mother country from a part of the burthens incurred in the defence of the colonies, during the justly popular war of 1756. Lord Mornington said, he was one of those who had always condemned the whole policy of the American war; but it was well known that the opinion of the nation at large was never decidedly expressed in favour of a peace, until the last year, or, at soonest, the year preceding the last, of that unfortunate contest. For a period, therefore, of two years at most, he admitted, that a difference of opinion had existed between the parliament and the nation. But would it be contended, that, according to the very first notion of a representative government, a temporary opposition to the desires of the people might not sometimes be essential to their permanent interests? In this case, therefore, the objection could not be to the general principle of interposing the caution, and prudence of a deliberative assembly between the passions and caprices of the people, and the final result of the public councils. The abuse of this salutary principle, in the two last years of the American war, was not of such a nature, and had not produced such consequences, as to compel us, at this time, to expose the principle itself to hazard by an alteration in the constitution, since the diminution of the influence of the Crown, which had been affected by parliament, the same abuse was not likely to recur to any considerable extent; and against the injury which the country had suffered in the last two years of the American war, must be set the rapid recovery of the national wealth and force since the peace. Here lord Mornington referred to his former statement on this subject. This view of the wars since the revolution leads to a conclusion directly opposite to the intentions of the petitioners; for it shows (subject always to the exceptions stated on the case of the American war) that the parliaments of those times, if they had been chosen even by the individual suffrage of every man in the nation, could not have pursued a more pacific system, without betraying the interests, and rejecting the sense of the people.

With respect to the debt, being the inevitable consequence of repeated wars, it stands on the same argument with them. It originated in the reign of William 3d,

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when the principles of the constitution, were supposed to flourish in full vigour. If, since that period, it has grown to an enormous size, the resources of the country have not only kept pace with it, but have greatly surpassed it, in every stage of its growth, and ultimately have afforded the means of providing for its gradual extinction. Lord Mornington said, that he could not leave this part of the subject without observing, that the petitioners, who had placed the debt at the head of their list of grievances, had not taken the trouble of ascertaining the extent of the evil of which they complained; for they had stated the debt at 280 millions, which was an addition of about 40 millions to its real amount. The petitioners appeared to be still more ignorant of the nature and amount of the taxes, which they represented as so burthensome to them. In the first place, they had stated the taxes at 20 millions, instead of 17. In the next place, they had entirely omitted to make any allowance for the very considerable augmentation of revenue, which had been the necessary effect of the increase of trade. A large sum which they had placed to the account of increased burthens, as if they themselves suffered under them, arose, in fact, from no additional burthen whatever; but from the increased produce of the existing taxes, in proportion to the extension of our commerce, and to the progressive wealth of the nation. After what had been stated on the wars and debt, it only remained to be inquired, with regard to the taxes, whether they were imposed in such a manner as to bear more heavily on the people than the necessities of the state required? Whoever examined the different branches of the revenue, must acknowledge, that the prevailing principle throughout the whole system of our taxation was, to relieve the lower orders of the community as much as possible, from the weight of the public burthens, and to throw it on those who were best able to support it.

He concluded this part of the argument, by remarking, that the choice of the particular moment for proposing to change the government, on account of the debt and taxes, had not been very happy. The proposition had been started by those who now bring it forward, precisely at the time, when, by the operation of a law, passed within these few years, parliament had been enabled to redeem ten millions of the public debt, and had actually commenced a plan for the gradual diminution of the public burthens, by taking off some of those taxes, which pressed most severely on the indigent and laborious classes of the people. To swell the catalogue of grievances exhibited by the petitioners, much labour had been employed in the debate. Amongst other charges, it had been asserted, that from the defects in its constitution, and their consequences, this House had lost the confidence of the people. Lord Mornington said, he really could not understand to what moment within the period of these last nine years, this complaint could consistently be applied by the gentlemen opposite. He had heard from those gentlemen, during almost the whole of that eventful period, a language totally different. He had heard them uniformly complain, that the support which this House had received in the nation, on the most momentous and trying occasions, was to be imputed to an universal delusion, which had corrupted the judgment of the whole people. The confidence of the people in this House had not hitherto been denied, but it had been lamented as a fatal error; whether the people were really in the wrong on all those important occasions, or whether the gentlemen opposite had contended that the people were in the wrong, merely because they happened to differ with them in opinion, is a question foreign to this argument. The fact that this House had met with the cordial support of the people during that period could not be contested. Has any event happened of late, from which it can be collected that the people now repose a less degree of confidence in this House? Can it be collected from the almost unanimous zeal with which they have so lately defended that constitution, of which the frame of parliament forms a most material part? Can it be collected from their cordial and vigorous co-operation in every measure which has been taken by parliament, to resist the designs of France? Is it in the bounties to seamen and soldiers, or in the subscriptions for the maintenance of the widows and children of those who may fall in battle, that we are to seek for the symptoms of a general disaffection to the existing government, and of that spirit of jealousy and suspicion with which it is said all the proceedings of this House are observed by the nation?

Another grievance had been discovered by a learned gentleman (Mr. Erskine),

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which he rather mentioned for the singular ingenuity of the discovery, than as thinking it merited a serious answer. The learned gentleman had traced the origin of the French revolution, with all its errors, follies, and crimes, to the vitious constitution of the British House of Commons. The hon. gentleman who had just sat down (Mr. Francis) entirely disagreed with the learned gentleman; for he had told us that the French revolution, with its dreadful consequences, must be imputed solely to the despotism and corruption of the ancient monarchy of France. Leaving those gentlemen to adjust their contradictory opinions, in all probability the events which had happened in France would not, in any view of them, be deemed an argument for changing the government of Great Britain.

Thus stands the account between the benefits enjoyed under the present frame of government, and the evils imputed to it. When the balance was struck, he believed the House could not think that any change was necessary either for the ends of private happiness, or of public prosperity.

It still remained to be examined, what might be expected in the room of the present government, in the event of a change? Nothing having been distinctly stated on this head, excepting that a change is to be made, we seem at the first view to be left entirely to the uncertainty of conjecture on this most important of all the civil concerns of mankind. Perhaps this state of doubt and ignorance would be alone a sufficient objection to the motion; no wise and prudent man would commence the demolition of an established government, under which he had lived happily and prosperously, without some knowledge of the system to be raised on its ruins, without some opportunities of comparison and of examination. But the argument need not be rested on this ground. The candour of the hon. gentleman, and the indiscreet zeal of the petitioners, have given us the means of forming a tolerably accurate notion of the exchange which is likely to be offered to us in the committee. If the hon. gentleman has not told us what he means to propose in the place of the present government, he has distinctly avowed what he prefers to it. He has declared, that if he were to be compelled to make an option between the present government, and that project commonly called universal representation (or the extension of the right of suffrage to every male adult in the kingdom) he would not hesitate to adopt that strange and extravagant project. Whatever other plan he may have formed in his own breast, it is evident that he is prepared, under certain circumstances, to admit the plan of universal suffrage. The question, therefore, arises, whether it is not probable that he may be driven to that very alternative in which he has already anticipated his own decision? There is every reason to believe, that the great mass of the nation would reject any proposition, however framed, which was professedly designed to effect a change in the present government of the country. The hon. gentleman is, therefore, reduced to the necessity of looking for support among the few, who have declared their discontent under that government: his whole strength is in their numbers; and he must frame his plan of alteration in conformity to the favourite maxims of the majority of his supporters. Of all the petitions on the table, he has selected one only, as deserving the consideration of a committee. That petition is expressed with caution, but it is signed by fewer names than any other on the table, and is avowedly the production of the society of gentlemen associated under the title of the "Friends of the People." It cannot seriously be intended wholly to pass by all the other petitions; to treat them as utterly unworthy of notice; and to rely on this single petition as being sufficient of itself to justify a change in the goverment, and to decide the principles by which that change shall be regulated: if such should be the intention, the majority of the petitioners will probably be as little satisfied with the new project, whatever it may be, as they are with the present constitution. It is therefore reasonable to argue, from the general tendency of all the petitions; and it is just to conclude, that whatever is the prevailing doctrine of representation, in which most of them concur, between that doctrine and the existing frame of parliament the hon. gentleman must ultimately make his option. Those petitions, which bear so striking a resemblance to each other, seem at the first view to have an air of moderation: but they all agree in maintaining it to be "an undisputed principle of the constitution, that the third estate ought to be elected by the Commons of the kingdom, or by a majority thereof." These expressions, taken in the latitude in which they are here used, must be understood to comprehend every individual, or at

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least a majority of all the individuals in the kingdom, without any limit or distinction of property. In the first sense, the doctrine requires no comment; it is in plain terms the principle of universal suffrage, asserted in its utmost extent. The words, "or by a majority thereof," cannot reasonably be deemed a limitation of the first part of the proposition: for it is impossible to imagine any point, where a boundary can be correctly drawn between a right in the majority of the whole people, and a right in the whole people to exercise the elective franchise.

It may be remarked in passing, that no trace whatever of this principle, which the petitioners call "undisputed," is to be found in the whole history of the constitution of parliament. The elective franchise, at no period, has been absolutely vested either in the people at large, or in the majority of them; it has been distributed at all times according to some principle of selection; in some instances regulated by property, in some by other considerations, but never by a mere numerical division of the individuals of the nation. Such is the doctrine on which those who profess to be the most moderate class of the hon. gentleman's supporters, desire to place the structure of parliament. The next class speaks a less guarded language. The petitioners from Derby tell us, that "they are assured, upon the most mature reflection, and diligent Inquiry, that the present system of representation is contradictory to the rights of man." The petition from Sheffield (which, although not on the table, may justly be considered, in this branch of the argument, as a leading part of the hon. gentleman's support) declares, that "men, and not houses or land, are the objects of representation." A petition has been presented by the hon. gentleman who spoke last (Mr. Francis), "from sundry inhabitants of London, Westminster, and their vicinity," which deserves peculiar attention. It sets forth "that, according to the established maxim of all good governments, every man ought to be, in some measure, his own legislator; and it concludes, by recommending as the only effectual, permanent, and practicable plan of reform, that the right of voting should be restored universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes; and that elections should be annual." It is not immaterial to trace from what quarter this extraordinary petition has proceeded. At the head of the signatures stands the name of Thomas Hardy, a name obscure in this country, but not unknown to the National Convention of France. In the month of November, Thomas Hardy, secretary to the Corresponding Society, on behalf of that society, subscribed an address to the Convention, which breathed so sincere an affection for the cause of the French republic, and so warm a zeal for the destruction of the British government, as to obtain the honour of being circulated throughout all the departments, and all the armies of our enemy. It is remarkable, that for some time past, a public invitation has appeared in the name of the Corresponding Society, encouraging all persons to sign a petition for a radical reform in the House of Commons. Combining these circumstances, can it be doubted, that this petition is the fabrication of the Corresponding Society? And can any man, who has observed the proceedings of that society, believe, that the deluded persons who compose it will rest satisfied with any temperate reform? or that they would be contented even with the full execution of the extravagant project recommended in their own petition, if they were not persuaded, that the accomplishment of that measure must lead to consequences of infinitely greater extent than any of the absurdities, however numerous and extensive, with which the very first view of such a system must strike the most superficial observer? The origin and tendency of this petition, and the circumstances by which it is distinguished, must naturally draw the observation of the House to the most numerous, the most active, and the most formidable class of friends to the cause in which the hon. gentleman is engaged. These are the several societies, whose dangerous doctrines have lately attracted so much of the vigilance of parliament, and have excited such just alarm and indignation in the country. In this House, gentlemen have uniformly contended, that these societies have nothing in view but the innocent object of improving the representation of the people. They are known to the hon. gentleman merely as parliamentary reformers; under that disguise they have tendered him their support. But they are known in another character to the people at large, whom they have attempted to corrupt, and to the magistrates, whose peculiar duty it is to watch over and restrain all disturbers of the public peace: they are known to

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have openly professed, and assiduously propagated, doctrines tending not only to alienate the affections of his majesty's subjects, from his person, family, and government, but to taint every principle, by which the order of civil society is rendered permanent, or even practicable among mankind. They are known to have applauded the example, to have solicited the alliance, and to have received the caresses of the National Convention of France, and to have sought the establishment of a National Convention in great Britain. The zeal, which is universally professed by every one of these societies in the cause of parliamentary reform, is merely subsidiary to the great object of introducing their favourite maxims in the most advantageous shape: a change in the system of representation is not the real end of their efforts, but is pursued, as affording the most favourable means of facilitating that total subversion of the monarchy itself, which will ever appear impracticable, even to the most adventurous and misguided zeal, while the constitution of parliament shall remain unimpaired.

This last description of the friends to a change in the government, will undoubtedly acquiesce even in a plan of reform, which shall proceed no farther than to extend the right of voting to every man in the kingdom; but the hon. gentleman cannot hope to appease these societies, even for a moment, by any proposition of a more limited nature. Thus we see, that of all the hon. gentleman's supporters (excepting the Friends of the People, who have expressed no opinion on this part of the subject) not one is likely to be satisfied with any project of representation less extensive than that of universal suffrage, while many look even beyond that project, and regard it only as the beginning of more effectual mischief, and of more general confusion. This view of the tempers, characters, and opinions, which the hon. gentleman must consult in the arrangement of his plan of reformation, opens a most alarming prospect of the principles by which the settlement of the new government is likely to be directed: a closer investigation of the collateral circumstances of the case will only tend to increase our anxiety, and to confirm our apprehensions. At the close of the last session of parliament, we were encouraged to expect that the hon. gentleman, and his own society, might have had sufficient influence to restrain within some bounds of moderation the extravagance of these wild and mischievous doctrines, or that wherever they might fail in restraining such doctrines, at least they would carefully abstain from all intercourse with those who continued to profess them. The authority of a single, and not a very numerous society, exercised with the utmost sincerity, and even with success in particular instances, must, however, have proved a weak and ineffectual barrier against that rash and arrogant spirit of innovation, from which the principal danger was to be apprehended; more especially, when the very title and institution of such a society must have perpetually counteracted the efficacy of its precepts, by encouraging general discontent, and by giving a respectable sanction and a specious pretext to every turbulent and seditious disposition in the nation. Weak and ineffectual as such a security would be, we cannot flatter ourselves that we possess even that precarious advantage. The correspondence of the Friends of the People, so far as is published (connected with other transactions), affords abundant proof, that, whatever may be their good disposition, they can neither effectually repress the violence of their followers, nor wholly avoid connexions, of which they themselves acknowledge the dangerous tendency. In May 1792, the people of Sheffield address a letter to the Society, requesting its advice, countenance, and protection, and styling it "their leader and director in the great and necessary business of reform." The Society, as might be expected, return an answer fraught with the most wholesome admonitions, and containing the soundest maxims of prudence and discretion. The Society "counsels the people of Sheffield to observe a wariness and caution in all their language; because, as the Society remarks, wary and cautious language is the genuine characteristic of moderate views." The Society warns its pupils of the dangers which attend "ardent indiscretion;" and concludes "by congratulating them and the country on the intrepid moderation which is to be expected from them in future." The fruits of these excellent lessons we have seen in the petition from Sheffield; which, for the indecency of its language, was justly rejected by the House. The doctrines maintained in the body of that petition have been already stated, and must be

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admitted to bear stronger symptons of "ardent indiscretion," than of wariness or caution. No part of the petition carries the least appearance of "moderation;" but the petitioners have not wholly disappointed the expectations of their leaders and directors; in their very preamble they take care to appear sufficiently "intrepid;" for they impeach the title under which the House sits as a branch of the legislature; and they deny that we are, "in the just sense of the words, the Commons of Great Britain in parliament assembled."

This is the only instance, as far as can be collected from the printed proceedings of the Friends of the People, in which the influence of their admonitions upon the minds of their followers has been put to the proof; and in this instance it has been found of no weight. Among the advantages held forth to the public by this society, at the time of its institution, we were assured, that its utmost efforts would be employed to raise a standard, to which none but moderate men could resort to, to discountenance, and to reject all communication with those of a different description; and by these means to counteract the operation of the delusive and destructive principles contained in the writings of Mr. Paine. Their endeavours to accomplish these objects have been peculiarly unfortunate. In May 1792, the Society for Constitutional Information addressed a letter to the Friends of the People, exhorting them "to cast away all aristocratic reserves, and to contend honestly and fairly for the people's rights in their full extent, if they hoped to grapple successfully with the powerful despotism to which they were opposed." This language seems to have been properly understood by the hon. gentleman and his friends. In their answer, after several animadversions on the various resolutions and proceedings of the Constitutional Society, particularly on those in which an approbation of the doctrines of Mr. Paine had been expressed, they conclude with these words: "We must beg leave to decline all future intercourse with a society, whose views and objects, as far as we can collect them from the various resolutions and proceedings which have been published, we cannot help regarding as irreconcileable with those real interests, on which you profess to inform and enlighten the people." From the day on which this answer is dated, to the end of the autumn, the Constitutional Society continued to "inform and enlighten the people, in the same spirit, and with increased assiduity, by diffusing and recommending the doctrines of Mr. Paine, and the example of France. In the month of November, Mr. John Frost and Mr. Joel Barlow, being invested with a diplomatic character by their brethren of this society, presented at the bar of the National Convention of France, that memorable address, which has been so justly reprobated by every loyal subject in this kingdom. In delivering their credentials, these ambassadors pronounced a speech, in which they expressed a full confidence, "that in a short space of time, congratulations would be received by a National Convention in England." Among many remarkable passages, the address contains a most elevated panegyric on "the glorious victory of the 10th of August;" a day, carefully distinguished from the 2d of September, by those enlightened judgments which have deliberately estimated the comparative merits of those inhuman massacres; a day, however, which differed in no essential circumstane from the 2d of September, excepting that on the 10th of August, (according to most accounts) more blood was shed, and it was the blood of faithful servants, engaged in the discharge of a lawful duty, and in the defence of the person and family of a lawful sovereign. On the 10th of August, a limited monarch was violently deposed from his throne, and (to complete the triumph of that glorious victory) was soon afterwards committed to a prison, which was never opened to him, until the time arrived when he was exposed to the insult of a pretended trial, and led forth, in the face of his subjects, to suffer an ignominious death. To court the alliance of an usurpation, established on such crimes, to dignify the success of such crimes with the name of a glorious victory, and to express an expectation that a similar usurpation might soon be established in this country, was a conduct and a language which not only indicated "objects and views utterly irreconcileable with the real interests of the people," but an entire disregard of every feeling which adorns the British character. If, therefore, in the month of May, the hon. gentleman and his society thought it necessary to disclaim all intercourse with the Constitutional Society, it might rea-

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sonably be supposed, that the events of the month of November would have rendered all communication between them absolutely impossible.

But in the month of November a new and very different description of societies arose; those associations, which, founded on the general sense of present happiness; on the fear of change, which naturally accompanies that sense; on the steady loyalty, and on all the moral and religious duties of a free and virtuous people, have contributed in a great measure to avert the dangers, which at that time threatened the very being of the constitution in church and state. One great object of these associations was, to bring to justice, by regular process of law, and by the verdict of a jury, the authors and propagaters of seditious doctrines, and particularly to check the circulation of Mr. Paine's libels, and to counteract their mischievous effects. In its principle, this object seemed to accord precisely with the professions of the Friends of the People: yet strange as it may appear, at this critical juncture, the Friends of the People actually coalesced with many leading characters in the Constitutional Society, under the new title of "Friends to the Liberty of the Press," for the avowed purpose of censuring these laudable associations, and of defeating the efforts of their honest and well-directed zeal. It is not meant to insinuate that the hon. gentleman and his friends, by this junction, adopted the general objects and views of those persons, whom they had before so wisely disclaimed; but it cannot be denied, that they consented to admit those persons to act in common with them in pursuing the particular objects of the new institution; and above all, in defeating the measures of the associations against republicans and levellers. Mischievous as the effects of such an union must be, even if they could be limited to the professed objects of this new society, the evil does not stop there:

Any degree of credit, which the persons described may be supposed to derive from the countenance of the hon. gentleman in this joint pursuit, will be turned by them to their own separate purposes, and will be applied to promote their own boundless projects of innovation and disorder. If, under the shelter of the hon. gentleman's character, they should grow into authority and strength, they may in the end compel him to lend his name and his talents to measures, not less fatal to his own interests, than to those of his country. While he avows it to be his fixed intention (even in the extreme case which he has stated) to change the existing government of the country, his endeavours to disengage himself from any enemy to that government of any description, must be, as they have been, vain and fruitless. All the enemies of the British constitution will cling to him, in spite of his efforts to shake them off, until their hatred of the present establishment shall have been completely satiated in the ruin of the state, in the misery, and perhaps in the blood, of all ranks and orders of the people—

"Non missura cutem nisi plena cruoris hirudo"

Lord Mornington contended, from all these considerations, that the plan of universal suffrage, connected with the principles of the French revolution, was that which was most likely to be substituted in place of the present system of representation. Before he spoke of the practical effects of such a plan, he warned the House, that this notion of extending the elective franchise to every male adult in the kingdom, was by no means the extreme limit of the speculative principle of right, in which it had orginated; on the same principle is founded a theory infinitely more extensive, and at least equally practicable. This curious theory is to be found in a treatise, intituled, "The Social Contract," written by J. J. Rousseau; a work no otherwise worthy of attention, than that it is known to be the fountain head from which the principles of the French revolution have been derived. The original principle of right on which the system of universal suffrage rests, is usually expressed in this proposition, "No man ought to be bound by laws to which he has not consented, either in person, or by his representative. The author of the Social Contract maintains, that the national will or sovereignty of the people cannot be represented at all; that every law which has not been ratified by the people in person, is null and void in its nature; that the people of England are never in a state of freedom, excepting when they are in the very act of exercising the elective franchise; and that they become slaves the moment a general election is concluded; and finally, that every government by representation is, in its nature, a tyranny, however extended the

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right of suffrage may be, because the national will, or, in other words, the vote of every individual, is not directly consulted in every act of legislation. Having established these fundamental maxims of his theory, the author meets with a practical difficulty of some importance: a people consisting entirely of legislators, would not find much leisure for any other affairs than those of the state. Such a nation must, in the first instance, renounce all the arts and improvements of civilized society; it must renounce every pursuit of commerce, of trade, and of manufacture, together with the whole system of political economy in all its branches, by means of which, the modern states of the world have been enabled to rise to public opulence and prosperity, and to augment and diffuse all the conveniencies of private life. But all these are deemed by the author to be sacrifices of no moment;—poverty is a republican virtue—and in the opinion of those who know how to form a just estimate of things, the gain would be considerable to every individual, who should exchange his industry, his skill, his affluence, and his ease for a portion of the national sovereignty, the exercise of which, however barren and unprofitable in all other respects, is always grateful to the ruling passions of vanity and ambition. But these are not the only obstacles to the institution of this incomparable republic. It is evident, that where the whole people were called from hour to hour to the senate, to discharge the dignified duties of legislation and government, their domestic concerns, and the ordinary labours of agriculture, must also stand still: the ground could not be cultivated; food could not be provided; and these proud and generous republicans, in a state of perfect freedom, would want the common necessaries of life, and be exposed to all the calamities of indigence and famine. The author of the Social Contract fairly confesses, that he despairs of seeing these obstacles surmounted by the degenerate citizens of the modern world in whose minds he says, the genuine ardor of liberty has been utterly extinguished by the busy spirit of commerce, by the desire of gain, and by the love of convenience. But in order to show that his plan is perfectly practicable among wise and virtuous men, he recommends, with the utmost zeal, the admirable expedient, by which the ancient republics of Greece contrived to reconcile the full enjoyment of natural rights, with the possibility of natural existence. The people of Greece, he says, transacted all public business in person; they were all assembled from morning till night in the public forum; they were not greedy of gain; their sole occupation was the care of their liberty; and all the menial offices of their Houses, and all the labours of the field were performed for them by slaves.

Here, then, is the only practicable arrangement, by means of which the Corresponding Society can be gratified with the sight of that "good government whose established maxim it is, that every man should be his own legislator." Here the petitioners from Derby may see the rights of man carried to the extreme point of perfection; and both may learn, that according to their own principles, strictly and fairly pursued, civil slavery is the only solid basis of true political liberty. This is the natural course of all those who attempt to raise constitutions of government on visionary speculations of abstract and indefinite right. They commence their career with some specious and plausible theory in view, but in endeavouring to pursue it, they are continually driven from difficulties in practice to contradictions in principle, and they find no resting place, until they have reached some monstrous and insurmountable absurdity: from thence they are compelled to tread back their steps, and to seek the real substance of liberty, where alone it is to be found, within the just limits of expediency and experience. However extravagant and ridiculous the passage quoted from the Social Contract may appear to the House; for such speculations on the nature of government, connected as they necessarily are with the most profligate maxims of immorality and irreligion, J. J. Rousseau has been canonized by the people of France, and is now one of the few saints remaining on their calendar. Their admiration of his works, and their reverence for his memory, have not been inactive: they have imitated with the utmost success his systematic dishonesty and his zealous impiety; and they have neither been less earnest, nor less successful in establishing his principles of political anarchy on the most permanent foundations, and in securing their full operation by the most effectual provisions. They began by extending the basis of their new system of

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representation upon abstract principles of right: their next step was the admission of every male adult to the right of voting in some stage of the election of national deputies; and they are now advancing rapidly to the final completion of these doctrines, by submitting to the direct interference of every individual citizen in every act of legislation and government.

In endeavouring, therefore, to form some notion of the practical effects of the plan of universal representation, it is impossible not to advert to the example of France; because in France that plan has been reduced to practice, and an experiment actually has been made of its consequences; and because the French government, and their English abettors, have invariably concurred in an anxious wish for our adoption of that plan, as leading inevitably and speedily to the same consequences in Great Britain. Under such circumstances, it is in vain that the hon. gentleman who has just sat down, has laboured to exclude from this debate any reference to the situation and conduct of France, and has rejected the whole of that subject as a stale and forgotten topic: although questions of great magnitude and importance have engaged the attention of the House since the affairs of France have been the immediate subject of deliberation, the hon. gentleman will find, that a topic, leading to such serious reflections, and furnishing such useful lessons, has not been so soon effaced from the memory of this House, or of the country: the business of this day must revive every passage of those transactions with the most direct and forcible application to the present question. It will be pressed home to the recollection and to the feeling of every British subject, that a change in the existing government (the avowed object of this motion) was the great revolutionary machine, by the working of which, our enemies trusted to have reduced this happy people to the level of their own miserable condition. "Commemoratio illius sceleris intermissa est, non memoria deleta, dum genus hominum, dum populi Romani nomen exstabit, (quod quidem erit, si per illos licuerit, sempiternum) illa pestifera intercessio nominabitur."

While the independent rights of nations, while the order of civil society shall be held dear and valuable among mankind; while the genius and spirit of the British constitution shall endure, (and long will they endure, unless destroyed by some rash and vain project of pretended reformation) that pernicious attempt of a foreign power to interfere between the government and the people, and, by that interference, to subvert at one blow all the bulwarks of our domestic happiness, and of our external strength, shall never be forgotten: it shall be remembered with the just sense of abhorrence and indignation which must ever attend the memory of that execrable design, and with the gratitude due to the united wisdom and loyalty of the British people, by which that execrable design was disappointed of its effects; recollecting as well the nature of our recent danger, as the means of our happy deliverance, we shall best repay our debt of gratitude to the people, by endeavouring to preserve entire that government, which is the deserved object of their affection, and by cultivating in their minds a rational estimation of its excellence and value. With this view, lord Mornington said, he had already enumerated the practical advantages of our present situation; with the same view, he meant to contrast those advantages with the practical effects of that plan of representation, which he had shown, we must expect, if we consented to a change; and he hoped to prove the miserable error of those who imagine, that by infusing a greater portion of the spirit of democracy into the frame of parliament, they are likely to give additional security to the good, of which they cannot deny the existence or to provide against any one of the evils on which they ground their complaints. What has been the operation of the system of universal suffrage in France, upon the security of life, of liberty, and of property? It seems to be the only object of their criminal laws, to afflict and to destroy every individual who can, by any means, be brought within their reach. Indefinite and constructive crimes, summary modes of trial, arbitrary convictions, and disproportioned punishments, are the leading features of that sanguinary code; at an early period of the revolution, the very principle of mercy was formally extinguished in their judicial proceedings; in place of the gracious mercy of the Crown, the populace have assumed the exercise of a new species of appellate jurisdiction, in cases of life and death; if, by accident, an unpopular criminal has the fortune to escape the severity of the law, the proceeding is reversed by the mob; the judges

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are compelled to return to the seat of judgment, and, under the terrors of assassination, to arraign a second time, for the same crime, the person who has been already legally acquitted by the judgment of the same tribunal. For it is now a received and applauded maxim of that democratic government, "that the vengeance of the people ought to supply the weakness of the penal laws." In short, no tyranny was ever suffered by mankind, in which so little account was taken of the effusion of human blood. That which is called liberty, by a gross abuse of the term, is nothing better than a state of general disorder and confusion, accompanied with the most frequent and outrageous violations of personal freedom. It is, indeed, true, that the restraints of law and of authority have no longer any force, and that no obligation remains to bind men to the discharge of any duty, moral, civil, or religious; but as every individual is equally free from these irksome restraints and duties, it is become the interest of every man to seize the first opportunity of violating the rights of his neighbour, and no man can possess any kind of security for his own. The whole revolution was originally founded on the ruins of the right of property. Property is therefore rejected with scorn and indignation from the constitution of the legislature. So far from being respected as a sacred right, it is publicly held up to the detestation of mankind, as an odious usurpation on the rights of nature. All sects and factions seem to have agreed, that it should be treated by the legislature, by all the constituted authorities of the republic, and by the whole body of the people, as a common prey, and a common object of persecution.

The natural result of these disorders has been to realize almost all the inconveniences of the imaginary republic of J. J. Rousseau; to suspend trade and industry, to render the annual supply of productive labour inadequate to the sustenance of the people, and to subject them to the most urgent distress, from the scarcity of provisions, and of other articles of ordinary consumption. The collective opulence of the state is utterly ruined, and with it, all the permanent sources of public strength; but in the first moments of this convulsion, while the pressure of poverty and famine renders war the necessary policy of the government, the same cause furnishes the means of carrying on hostilities; armies spring from the very calamities of the country: and the state is at once enabled and compelled to send forth innumerable multitudes to the war, who can find neither employment nor bread at home. Here the House may observe whether the new doctrines of government tend to prevent or alleviate the great evils of war, debt and taxes. It has been said in this House, that "war is the passion of states;" it might have been added, that it is more especially the ruling passion of those states, in whose constitution the spirit of democracy is predominant: in all times, such states have been most infected with the vanity of conquest, and most liable to the impulse of irregular ambition.

But under the principles of universal representation, the government of France has far surpassed every example of those inordinate passions, which appears in history. Without any other necessity than that which arose from their own internal situation, and which must be attributed to the vice of their new constitution, the French have involved all Europe in a general war. They have deduced the pretences of that war by a most singular train of reasoning from the principles of their own government. Their first proposition was, that the sovereignty of every nation resided essentially in the people at large of that nation. From thence they drew a most extraordinary inference, that, for the present, the people of France were the only legitimate representatives of all the nations in the world; and therefore, during their temporary exercise of the assumed sovereignty of the universe, every government founded on principles not exactly conformable to those of the French Republic, must be treated by France as an usurpation and a tyranny, and the people who submitted to it must be considered as rebels and traitors. On these grounds they declared war against all the governments on earth, in the name and on the behalf of all mankind; and they published their resolution of reducing to a state of perfect freedom, by force of arms, every refractory people, who should dare to cherish a sentiment of gratitude, veneration, or affection for their ancient institutions, or of allegiance for their lawful prince. The pride, the honour, and the interest of every state in Europe were thus wantonly challenged to defend their independent rights of internal sovereignty; and the consequence has been, that France is now at-

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tacked on all sides by almost every power, either naval or military, in Europe. This instance proves, that the admission of every male adult in the realm to a voice in the election of the legislature, is not a certain and infallible mode of establishing a pacific system of foreign politics.

With respect to debt, the enormous expense of this improvident and unjustifiable war exceeds all bounds of calculation; it has seldom fallen short of ten millions sterling in each month since the commencement of hostilities, and it must increase with the increasing force of the enemy, and particularly since the accession of the maritime powers. In addition to this ruinous source of expense, the augmentation of the ordinary establishments, the mismanagement of the revenues, and the unbounded peculation practised in every department of the administration, have caused such a waste of public money, as surpasses infinitely the effects of the united extravagance and corruption of all the most prodigal monarchs that ever sat on the throne of France, and of all the most profligate ministers by whom those monarchs were governed or deceived. With respect to taxes, it must be admitted, that the French government has publicly abjured all taxes whatever together with loans, and every collateral branch of the system of finance. But what has been substituted in their place? It has been declared, that the only resources fit to sustain the dignity of a free and sovereign people, are domestic confiscation, and foreign plunder; a sheme of revenue calculated to perpetuate discord and misery at home, and war abroad. The legitimate and regular sources of public revenue are not unconnected with the ease and affluence of the people: they are sought in the superabundant profits of labour, of skill, and of enterprise, or in the superfluities of luxury and wealth. But the new resources are drawn from the exile and ruin of all the great landed proprietors, whose property is confiscated, because they will not expose their lives, by returning to a country, which has been rendered uninhabitable to all moderate and honest men. This is the reformed plan of finance which we are to expect under the new government in Great Britain. Its operation is plain and simple; taxes will no longer be levied according to those intricate and complicated regulations, which are now so embarrassing both to those who collect, and to those who pay. The land itself will be directly confiscated, and the landed interest will be utterly extirpated. The tree itself will be cut down, as the most easy and expeditious way of gathering its fruit.

Such are the practical effects of universal representation in France. To ascribe all these effects either to the peculiar character of that people, or to their unfitness to receive the blessings of liberty, from their long habits of slavery, would be to deny to ourselves the use of a most instructive and salutary lesson. Making a reasonable allowance for all the peculiar circumstances of their case, it will be found, that the severest sufferings and the most atrocious crimes of that unfortunate people, are the genuine and legitimate offspring of the erroneous and fatal principles of government, on which they have founded their reformed constitution. The malignancy of those principles is so active and powerful, that no nation on earth could long withstand their operation: and it would be the greatest degree of arrogance to expect, that even the people of Great Britain could maintain their character of wisdom, justice, or humanity, under a total relaxation of those restraints of order, which the nature of human infirmity renders no less essential to the preservation of every moral quality, than of every civil advantage. The result of all these considerations is, that the benefits actually enjoyed by the nation are invaluable; that no proof either has been, or can be, established of their being unconnected with the present constitution of parliament; and that there is the strongest presumption of an intimate connexion subsisting between them; that in comparison with these benefits, the grievances alleged are trivial and insignificant; and that they can in no degree be imputed to the alleged defects in the representation; and above all, that the constitution likely to be given to us in exchange for what we now possess, so far from securing any one practical good, or alleviating any alleged or practical evil, would utterly subvert every foundation of our present happiness and prosperity; would aggravate every evil of which any man now can complain; and introduce many others of infinitely greater magnitude, and of far more mischievous consequences. For these reasons, the public good requires, that no alteration should be made in the existing frame of parliament.

Mr. *Whitbread*, said:—Sir; The noble lord who has just sat down, has pro-

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nounced a very warm panegyric on the British constitution; he has very ably argued the three questions which he has submitted to the consideration of the House; but he has not treated with great fairness some of the statements made by my hon. friend; and I feel myself under the necessity of disputing some of the conclusions to which he has come, upon the grounds which he himself has advanced. Whatever statement of consequences my hon. friend may have made, as involved in the discussion of the question before you, the same consequences were equally involved at every time when the proposition has been made. There is no novelty in the matter; and if a change of government is now to ensue from a reform of the representation, a change of government would equally have been the result of success at every one of the numerous periods when it has been agitated in this House. But the noble lord has taken some pains to confound things which I hold to be perfectly distinct; namely, the government and the constitution of the country. To preserve, and not to subvert, is our aim; and with that view we wish to reform a part of the administration of the constitution. This only can be meant by my hon. friend, when he candidly states to you, that if he succeeds in persuading the House to adopt his motion, it leads to a change of the government. But, Sir, I would put it to the noble lord, and to all those who come under the description given by an hon. member last night, of those "to whom no time nor mode would reconcile the question of parliamentary reform," whether it is not their bounden duty to enter upon the inquiry proposed by my hon. friend? I take it for granted they will not deny the existence of a very numerous body, discontented with the present state of the representation. Would it not be well to give satisfaction to those persons? If we go into a committee, and find on inquiry, that the complaints stated in the petitions are unfounded, there will be an end of the business. But if the grievances are found to be real, then a remedy ought instantly to be applied. It is a question which ought to be at rest; and it can only be so after a solemn and deliberate investigation of its merits. I would put it to my hon. friend (Mr. Windham) who, in the course of last night's debate, considered the mover of this proposition as a mere point in a vast system which pervades all Europe, and the motion as only a driblet from a great source of anarchy and confusion, assuming parliamentary reform as a pretext, but the real object of which is, to destroy all established constitution; and who has said, that these opinions, if fairly and early met, are capable of refutation; nay, that he would consent to be called "the baby of a girl," if he did not destroy and crush, wherever he could have an opportunity of meeting them: but that if suffered to grow up, they would become so formidable, as not to be conquered by any human ability.—Would it not, I say, be consistent with the manliness of conduct, with the talents of my right hon. friend, with the sense of the danger he professes of suffering these opinions to go uncontroverted, to put himself in a situation where he might have an opportunity of fully discussing them; of confuting and suppressing that which he holds to be destructive to the well being of society? Sir, upon his own argument, he ought to vote with us for going into a committee. But, is it a fact, that my hon. friend has proposed to you any novel or speculative opinions? Directly the reverse. He has placed upon your table a petition, complaining of grievances, of the existence of which the petitioners deem themselves competent judges. It is proposed to this House to go into an investigation of their complaints, and to administer such relief as to their wisdom shall seem meet: The whole is constitutionally before you. But the petition is somewhat unusual, from the mode in which it is drawn. It goes into a detail of facts, some of which are directly in the teeth of certain resolutions entered on your Journals. The resolution and petition cannot both remain. The petition states, that the undersigned are ready to prove "that peers have a positive nomination of members to serve in this House." We annually resolve, "That it is a high infringement upon the liberties and privileges of the Commons of Great Britain, for any lord of parliament to concern himself in the election of members to serve in the Commons House of Parliament" What is the course then to be pursued? You must either rescind your resolution, or expunge the petition from your journals. You cannot act with dignity and honour in any other way. The allegations in the petition are either true, or they are not. If true, a remedy ought to be sought for and applied. If they are

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not true, the persons who have signed that petition are guilty of a gross libel, and deserve punishment. Extricate yourselves from the dilemma!

In contradiction to the assertion so repeatedly made by my hon. friend, but which the power of his abilities will not be able to maintain, I take upon me to say that metaphysical opinions have never, in any instance, produced a revolution. The engine with which Providence has thought fit to operate these mighty events, has been of a different description—the feelings of the governed, rendered desperate by the grinding oppression of their governors; and there is no saying more strictly true than this, "that times make men, but men never make the times." What brought about that great event the Reformation? Not the theories or speculations of philosophers, but the impolitic avarice and injustice of the church of Rome. What brought about the catastrophe of Charles the first?—What the Revolution in this country? the oppressions of the executive government. To the same cause America owes her freedom. Lastly, what brought about the Revolution in France? The misery of the people; the pride, injustice, avarice, and cruelty of the court. The great characters who have acted in these different scenes, have had but little power to produce them. Luther, Cromwell, or Washington, the illustrious persons who appeared at the era of the English Revolution, or the wild visionaries of France, could never have persuaded the people to rise, unassisted by their own miseries and the usurpations of power. When the feelings of men are roused by injury, then they attempt innovation; then the doctrines of enthusiasts find ready access to their minds. The people are always long suffering; and unless they are most grossly abused, no apprehensions are to be entertained from any speculative opinion upon government. But, Sir, in defending my hon. friend and myself from the imputation of being theoretical innovators, I must take notice of one theorist, who has appeared in the course of this debate; I mean the hon. gentleman (Mr. Jenkinson) who immediately followed my hon. friend last night. He gave us an account of a House of Commons formed after his own imagination, in which all the different interests of the kingdom would be indeed most accurately and nicely balanced; but the texture was such as never did, nor ever will exist. One member more than he has appropriated to either of the classes of army, navy, commercial, legal or landed interest, would destroy the whole of his chimerical system. One other notable expedient the hon. gentleman has fallen upon—that of settling who the elected should be, before he went in search of the electors. With all deference, I should conceive that, having nominated the representatives, it would be a matter of small importance who should perform the farce of returning them. That hon. gentleman has also expressed his predilection for what is usually called the rotten part of the constitution (the small boroughs) because they furnish us with members of distinguished ability (such as the present chancellor of the exchequer), who would not, from the expence, have had it in their power to contest any popular election. The observation is not new; but the answer to it is plain; if elections were conducted in the manner in which they ought to be, the representation would be accessible at all places to persons of moderate fortune; whereas it is now impossible, usually speaking, for the younger branches of families to stand contested elections; and the people are deprived of men of ability for their representatives. But I will take a definition of what a House of Commons ought to be, from a tory writer, (Dean Swift), in opposition to the House of Commons described to us by the hon. gentleman. Speaking of the constitution of this country, that writer says, "The other part of the parliament consists of an assembly, called the House of Commons, who are all principal gentlemen, freely picked and culled out by the people themselves for their great abilities and love of their country, to represent the wisdom of the whole nation." This is the House of Commons I wish to see; this is the choice I wish to be restored to the people. The hon. gentleman has also said, that many boroughs have been thrown open since the passing of Mr. Grenville's act. Have the people been advantaged by the decisions under that act? I believe that nine-tenths of the committees employed in discussing controverted rights of elections, have not settled any thing that can tend to the good of the people; that it is wholly out of their power. They may, indeed, have decided whether such a lord, or such a great commoner, have got the representation of a certain borough into

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their hands, or whether it is to be divided between them, and each to send a member to this House. Or by the right of voting being enlarged, it may become a matter of doubt whether the interests of the proprietor may be endangered by the opposition of some wealthy nabob.—[A cry of "Order!"]—Sir, am I too free in what I am saying? Am I acting against your orders? It may be so; but if these things should meet your ear upon the very steps of this House, as you descend from the chair, can you contradict them? Sir, you cannot. *I do know*, and the petitioners who have signed the petition now upon your table *are ready to prove*, that many members are nominated by individuals to serve in this House. Refute the charge! We cannot. Apply the remedy! We will not consent to that. Then at least tell the people of England, We have investigated your statement, and we find it to be true; but we can prove to you that the country is as well governed, and that things go on as well now, as they would do if the representation were reformed.

The noble lord stated as an instance of the vigour of the constitution, as now administered, the vast increase of our commerce within the period since the American war. Of the influence of the Crown upon this House, by means of the revenue raised upon that commerce, we complain, as destructive to the constitution. He has also asked, with a degree of triumph, at what time did the grievance of the national debt originate? Sir, the time of its origin matters not; if, when the constitution was planted at the Revolution, was also planted that, which in time was to operate its destruction, we are not to consecrate the evil from a superstitious regard to the moment of its birth; but we are to take precautions to prevent its strangling the fit and legitimate object of our veneration.

Some notice has been taken (by way of discrediting the petitions) of the names by which they are signed; and the name of Mr. Hardy, who, by the way, has not subscribed the petition more immediately in question, has been particularly mentioned, with an allusion to his conduct during the last summer. This I take to be wholly unparliamentary and irregular. I do not stand up in defence of the propriety of Mr. Hardy's conduct; but if he has in any manner offended against the laws of his country, his majesty's servants are responsible for not having put the laws in execution against him. But whatever may have been his conduct out of this House, he appears before us in a manner prescribed and authorized by the constitution; complaining of grievances; and to his complaint we are as much bound to pay attention as to the complaint of any other of his majesty's subjects whatever.

Insinuations have been thrown out against the association of the Friends of the People, to which I have the honour to belong. All I shall say upon that subject is, that we formed ourselves into a society, on principles truly constitutional; that we in no one instance have deviated from the precise object of our institution; that we have been led astray by no change of circumstances; that we have formed no connexions incompatible with our declarations; and that we have proceeded to the end we have in view with "intrepid moderation." This, Sir, is an expression contained in one of our publications which the noble lord has attempted to ridicule; but are intrepidity and moderation, in fact, incongruous? The reverse is, I believe, the case; and that if ever we meet with true intrepidity of character, we shall find it connected with moderation. I trust and hope the people of this country will always be moderate in demanding their rights; at the same time, I should think our national character much degenerated, if they were not asserted with intrepidity. The noble lord has accused us of coalescing with persons, with whom we had formerly declared we would hold no intercourse, their views being incompatible with those we entertained; I mean the members of the constitutional society. The short answer to that accusation is, that we have formed no such coalition. But I understand the society for the preservation of the liberty of the press to be pointed at—a society totally unconnected with the Friends of the People. Sir, at a time when associations were forming in every part of the kingdom, upon what I shall always deem the most unconstitutional principle, that of strengthening the hands of the executive power (for if the law has not made the hand of power strong enough, by the law it ought to be strengthened, and force can never be given to it in any other way, but by a surrender of some of the privileges of the people); the operation of these bodies appeared so pernicious, that it was thought expedient to associate to support the liberty of the press, which seemed to be principally in

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danger; and I have the pleasure to think that in stemming this tide we have not been wholly unsuccessful. To these meetings some of the persons alluded to certainly came; but had the noble lord received a faithful report of our proceedings, he would have found, that no coalition had taken place between those persons and the Friends of the People; that, on the contrary, if any disposition has been manifested to deviate from the just limit of the constitution, it has been constantly and successfully resisted by my hon. friends around me. I cannot but consider it as a bad omen, that the appellation by which the society to which I belong is distinguished, "The Friends of the People," should, when mentioned in this House, be always received with a sneer. It appears, that gentlemen consider it as a term of reproach. Certainly, no reproach ought to attach upon the term; and I trust that as long as I have an existence as a member of this House, and during the whole of my natural existence, I shall always be found a friend of the people, and a defender of their just and constitutional rights.

I shall beg leave to touch upon one other topic which has been strongly insisted upon, in the course of this debate, that the House of Commons ought to have an interest distinct from that of their constituents; and as a corrective to this monstrous doctrine, it is said, that whenever the people speak, their voice is heard and attended to. Sir, I maintain that there ought to be an identity of interest between the people and their representatives; nor can I conceive any thing more destructive to the true principles of the constitution, than those sudden impulses which are at times given to the deliberations of this House by the expression of the popular will. We are thus not unfrequently betrayed into situations inconsistent with our dignity; we are thus driven to resolutions directly at variance with each other. I will instance to you the case of the two last years. In 1791, this House came to a vote, virtually declaring, that it was essential to the balance of Europe that Oczakow should remain in the hands of the Turks. In 1792, they voted the converse of that proposition. This could never have happened, were the House of Commons properly elected, and for short periods. Another bad effect arising from this momentary attention to the wish of the people, is, that when the people relax in their efforts, the House becomes supine. We have an example of this in the case of the slave trade. What produced the majority upon that subject in the last year? The voice of the people. Why has the question failed in this session? Because the minds of the people have been diverted from the question, and they have not persisted in their demands. The House of Commons was intended to be elected by, and to act for, the people, and not to be influenced by every popular gust, which might sanction an imputation of its members not being in the habitual discharge of their duty.—An hon. baronet (sir W. Young) has said, that this country has become so corrupt, through her commerce, that corruption is necessary to its government. To this I will reply, in the words of a celebrated protest, usually ascribed to a right hon. member of this House (Mr. Burke), "If it is meant to insinuate that corruption is necessary to government, I shall leave that principle to confute itself by its own apparent iniquity." If it be admitted that corruption is one of the springs of government, if we are come to this most deplorable pass, that corruption is so interwoven with every part of the community of this country, that nothing proceeds but by its influence, we are much nearer to some awful crisis than I am willing to imagine. On this system, things may proceed for a time, but they will come to a sudden and tremendous termination.

And now, Sir, with permission of the House, I will say a few words upon the time in which this motion is brought before you. Any objection upon that score, unless forewarned, I should not have expected from the right hon. gentleman over against me (Mr. Pitt); for he has proposed the subject of parliamentary reform to this House under almost every variety of circumstance. But the time at which my hon. friend gave notice of his motion in the last year, did not appear to the chancellor of the exchequer to be fitting for the agitation of the question, although we were then at peace, and had a prospect of its continuance for fifteen years, because there existed a spirit of sedition and discontent in the country. How did the event answer to that assertion? The people, when called upon from one end of the nation to the other, expressed their loyalty, so as to disprove in the fullest manner every aspersion that

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that had been thrown upon them by government. The objection was not valid on that ground; but now we are actually at war, and therefore the time is improper. My opinion upon the subject of time is shortly this—that from the fluctuation of human events, especially in this eventful era, that it would be almost impossible to begin and perfect a work of such magnitude, under circumstances precisely similar: beginning in peace we might end in war; and as we now propose to you to consider it in time of war, I trust, even in case of its speedy termination that, it would be concluded in peace. No time can be improper for doing what is right; but that of all others will appear to me to be the best, in which the object is the most likely to be obtained. But let us consider the argument of time, with a reference to the consistency of our opponents. A right hon. gentleman (Mr. Dundas), on whose account the anti-reformers have, I hope, held a jubilee, because there is more joy in Heaven over one that repents than over ninety just, has thought proper to accede in this session to a committee to inquire into the government of the royal burghs in Scotland, which had a view certainly to the representation of that country. In Ireland, which, it will not be improper to say, is very materially influenced by English councils, the parliament have thought proper to take the state of their representation into consideration. In Scotland and Ireland, then, there is no impropriety in the agitation of this question at this particular crisis. In England there is. Whence arises this difference? Sir, I will tell you. The people of Scotland had been tampered with rather too long, and the secretary of state, in his last visit to that country, may have seen the necessity of attending to their complaints. The people of Ireland were determined to be listened to. In England, the people are not sufficiently roused upon the subject to appear formidable to those in power. Whenever they are, whether it be peace or war, the time will and must appear proper. It is the part of wise men, however, to concede in treason. I have no objection to the example of France being pressed upon us, to prevent our running into the wild excesses which have disgraced that country.

But let us take the whole question into our consideration at once; and when we behold with horror and dismay the atrocious acts which have been perpetrated under the name of liberty, let us not forget the preceding despotism which generated those crimes. Let us learn from the example of the old government in France, to give way to the people in time; to grant them their rights. Such are the only means to save ourselves from the horrors of anarchy. It has been the infatuation of all governments, from the beginning of the world, to turn a deaf ear to the complaints of the people; to oppress them till they become desperate; when they are roused to a furious sense of their wrongs, then you are willing to make unlimited concessions, but it is then too late; the bonds of society are dissolved and you must take the consequences of your own obstinacy and blindness. It is yet, I trust, time to give health and vigour to our constitution; but a much longer delay may be productive of consequences upon which I tremble to reflect. Therefore it is I would earnestly intreat this House to go into an investigation of the facts contained in the petition which has been presented by my hon. friend, and to apply a remedy to the grievances of which it complains.

I confess, however, that I can be but little anxious about the fate of the question immediately before you, because, from the experience which I have of the influence possessed by the chancellor of the exchequer on all the deliberations of this House, and from a knowledge of his opposition, any hope of success is entirely out of the question. [A general cry of Order!]. Sir, what I have said may here be disorderly; but without your doors it is true; and from my knowledge of that truth, I repeat that I entertain little anxiety on the fate of the present question; but I believe in the prediction of the late earl of Chatham, who, in a prophetic spirit, has declared, that before the close of this century, an amendment would be made in the representation. Whether we will or not, the thing will be done; and it would be policy, as well as justice, to anticipate the demands of the people. Neither my hon. friend, who has made you this motion, nor myself, nor any of those gentlemen with whom I have the honour to act, have any intention to infringe on the prerogatives of the crown, or to encroach on the aristocratical part of the constitution; we wish only to restore to the democracy that power

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which it ought to possess. To conclude all I have to say on the subject, in the words of a celebrated protest, to which I before made some allusion, "That this motion is intended to diminish the constitutional power of the crown, we deny. The constitutional power of the crown we are no less solicitous to preserve, than we are to diminish its unconstitutional influence. It has been argued, that this is not a proper time for reformation, when all the attention of the kingdom should be employed upon the war, as the great and only object in the present time of distress; to which we beg leave to insist, that the present is, for that very reason, the properest time because nothing is so essential to the conduct and prosecution of the war, as the frugal management of that supply by which only it can be carried on with any prospect of success; and from the history of this, as well as other countries, times of necessity have been always times of reform."

Mr. *Anstruther* said, he did not know whether to condemn most, the manner in which the subject was brought forward, the time of its introduction, or the subject matter itself. With respect to the manner of its being brought forward, he thought it improper to introduce such a general motion as that of referring the petition to a committee, instead of stating a specific plan upon which men might judge for themselves; the consequence of the present mode would be that of increasing the general expectation and agitation, by leaving it open to every man to suggest that plan which was the most agreeable to his own imagination. The time appeared to be equally ill chosen, when the country was engaged in a war, and after attempts had been made to agitate the minds of men by the propagation of principles incompatible with the existence of any government. And, lastly, with respect to the subject of the petition itself, he thought it equally indefensible; the object of it, as far as he was able to comprehend it, was to obtain a right of universal representation—an idea so wild and extravagant, that he was astonished how gentlemen could seriously propose it. He admitted, that no gentleman in that House had advanced such an opinion; but they talked of making one uniform state of representation throughout the kingdom, and of restoring it to its original constitutioned basis. He wished gentlemen would point out the period of the English history, when the representation of the people, was, according to their opinion, in its purity. The state of representation had remained nearly the same ever since the Revolution; and bad as it was represented to be, it was the envy of Europe; and under it, notwithstanding the many expensive and bloody wars in which we had been engaged, this country had risen to a state of wealth and prosperity unknown to any country not enjoying the benefits of such a constitution. In England the personal liberty and security of property were carefully provided for, and that was what the advocates for reform pretended to have in view; but that House would take care how they sacrificed the solid blessings which we enjoy for the precarious possibility of greater advantages by a change.

Mr. *Pitt* roseand said;—Sir, I am anxious to deliver my opinion before, from the lateness of the hour, and the length to which the discussion has been carried, the attention of the House shall be exhausted. I feel more particularly desirous, on account of the share which I have had in agitating the question of a parliamentary reform, to state fully and distinctly the reasons which induce me to resist the motion which is now brought forward. The question at the present time involves the fate of all those who have hitherto been so long protected by the British constitution; nay, it involves the fundamental principles of every society and form of government. But first I shall beg leave to remind the House of the grounds upon which I opposed the notice of a parliamentary reform, when brought forward last session. The opinion, which I then entertained, is confirmed by what has since occurred, and has even received strength from the petition now on the table, and the motion before the House. I then considered the agitation of the question as capable of producing much mischief, and likely to be attended with no good. Such was the conclusion which I formed from experience. I had myself, on different occasions, proposed a reform, in situations which seemed favourable to my object, and supported by persons of the highest respectability, and had even then failed. Several gentlemen, from a dread of the consequences of innovation, and from a doubt whether the advantage to be obtained was such as would compensate for the risk incurred, opposed my views, If

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such arguments had formerly succeeded, how much force had they last year acquired from the dreadful lesson afforded in the example of a neighbouring kingdom! The scene of horrors which it then presented, exceeded imagination, far short, as it stopped, of what has since occured. I perceived forming within the bosom of the country a small, but not contemptible party, who aspired at something more than a moderate reform, whose object indeed was nothing less than to introduce here those French principles which from their consequences, I could not regard but with horror. I saw, therefore, that while none of that good of which a moderate reform might be productive was to be obtained, much danger might be incurred, and an opening afforded to wicked persons to subvert that very constitution which we were desirous to improve, only in order that we might preserve: or, though the attempt to reform might not be attended with the total subversion of the constitution, yet it might lead to a state of confusion and distraction, which at least would disturb the enjoyment of those blessings of which we were in possession. I thus found the probability of good but little, while the mischief was of a size so gigantic as to exceed calculation. And upon this reasoning, even if I had rated as high as ever the advantages of a reform, and had seen a greater probability than had hitherto appeared of accomplishing such a reform, I would rather have abandoned my object than have incurred or increased the danger. I would rather forego for ever the advantages of reform, than risk for a moment the existence of the British constitution. Besides, I considered the necessity for a reform, in consequence of circumstances which had since occurred, to be considerably less than when I had brought forward my original motion. But how then was the question argued on the other side? The danger which I stated was not denied. But it was alleged that this was precisely the time to bring forward a moderate reform, as the best means to quiet violent spirits, and the surest remedy against ruinous innovation. The gentlemen who now come forward in the cause of parliamentary reform, I have no doubt, were encouraged in their first exertions by the hope that they should be enabled to overawe the violent spirits, and that moderate men, who might otherwise have been misled, would be induced to join their standard. I have learned from their publications, that they not only proposed to guide the minds of the people, but also to be guided by them, and that they were resolved to drop their views if they should find that they did not meet with a pretty general concurrence. Such was the situation of the business at the last session. I will now inquire what has passed since. And here I shall enter, along with the noble lord (Mornington) into the protest against not being allowed to introduce the subject of the affairs of France, which I consider as intimately, essentially, and inseparably connected with the present question.

Another year has now passed in that country, disgraced with excesses and outrages so horrid, that they efface the memory of those which formerly occurred, and leave of them only the faint traces, and the image hardly visible. The conduct of the French, in all its circumstances, bore a peculiar application to this country; it presented the fruits opening, in due season, the legitimate offspring of those trees, under the specious pretext of liberty, planted against this country and its allies. The French had disclosed a system of disseminating their principles, and procuring proselytes in every part of Europe—a system which they had particularly followed up with respect to this country. Such was the case without—what was the situation of affairs within? Societies had been formed in this country, affiliated with the Jacobin clubs in France, and though they had since assumed a different shape, were then employed for the purpose of spreading Jacobin principles. In this object they proceeded with a degree of boldness and confidence, proportioned to the success of the French arms. We thus beheld the scheme which we had anticipated as the result of the new constitutions in France opening upon us. We had more immediately an opportunity of seeing what were the views of the legislators in France with respect to this country, and what their instruments in England were endeavouring to effect. For while in France they always mentioned the pretext of a parliamentary reform, as the medium by which they were to introduce their principles, their instruments here always took care to connect the system of parliamentary reform with all those delusive doctrines upon which was founded the newly-raised fabric of French

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freedom—Nothing less than a National Convention was held out as a sufficient remedy for the abuses which prevailed in the representation, and the sole organ through which a more perfect form of government was to be obtained; namely, such a government as should acknowledge no other source of authority and no other rule of conduct, than the will of the majority. In short, French principles were inculcated as the true standard of political belief, and the example of the French government proposed as a worthy object of imitation.

I now proceed to events of a more recent date. The spirit of disaffection which had been thus raised was happily kept under and prevented from breaking out into action by the seasonable interference of the legislature, by the vigilance and exertions of the executive power, by the loyalty, vigour and unanimity of the people, and likewise by the interposition of Providence, in the turn lately given to affairs on the continent, and the check experienced by the French arms. The admirers and supporters of French policy in this country felt a depression of spirits from the defeat of their friends and allies, which for a time gave a fatal blow to their hopes, and compelled them to conceal their views, and to assume a veil of caution but ill-suited to the ardour of their temper, and the boldness of their enterprise. But though they had thus been forced for a while to relinquish their schemes, it was not to be presumed from this that they had by any means abandoned them.—No; they still indulged the same hopes, they still meditated the same plans, and only lay by to watch for an opportunity favourable to the accomplishment of their designs. For that purpose, they had looked peculiarly to the question of parliamentary reform. Previous to the bringing forward of the present motion, a great number of petitions had been presented to the House, equally singular in their form, expression, and the manner in which they had thus been submitted to notice. They had been introduced under the auspices of the gentlemen who supported the motion. They were all of three descriptions, except that one upon which the motion was more particularly founded, and a petition from Nottingham, conceived in exactly the same terms with one which had been received from that place in 1782. When it had first been received, it came after a long war, which had harassed and exhausted the country, and the calamities of which it stated as a proper ground for a reform of parliament, unfortunately, it still employed the same language, and gave the same description of the country, after a long and prosperous peace. All these petitions came either from England or from Scotland, or from places in England and Scotland that seemed to have no natural connexion or likelihood of communication. Yet coming from these different places, they were all the same in substance, and nearly the same in style; whatever little difference there might be in the expression, they seemed all to proceed from the same hands—

> Facies non omnibus una,
> Nec diversa tamen; qualem decet esse sororum.

They all, it must be confessed, betrayed a strong family likeness. Almost the only difference was, that those from Scotland expressed their surprise at the immense load of debt, notwithstanding the extent of the taxes which they stated at twenty millions,—four millions above the truth. All of them were the same in prayer; they concurred in praying for the right of universal suffrage, as the basis of that reform which they desired.

With respect to these petitions, two questions arise: first, what weight they ought to have with the House, and how far they ought be allowed to go in influencing their judgment; and secondly, whether this is a season proper for the consideration of that object which they claim, and favourable to a temperate reform? On the first point, when petitions came to the House, fabricated in appearance, similar in substance and expression, it did not require much time to determine in what point of view they were to be considered. There was every reason to suspect that they were the work of a few individuals. They had certainly much more the appearance of the design of a few individuals, than of the general expression of the sentiments of the country. If it were asked, then, what weight they ought to have? the answer is easy. None. What weight ought to belong to petitions coming to this House in those circumstances, carrying every appearance of concert and system, combined in the same prayer, and expressed nearly in the same language? The fraud is too gross and palpable, and it is evident from what quarter they come, and with what views they are

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presented. All the circumstances in France and this country point out the present as a season unfavourable to a temperate reform. The gentlemen who support the motion have been engaged in a society for the purpose, as they themselves state, of allaying the violence of those who might be misled by a blind rage of innovation and enlightening the people with respect to the nature of their true claims. Such had been the objects which they had held out at their commencement; they had proposed to make a fair experiment, to allow the people of England a full opportunity of procuring a rational and moderate reform; and if they should find that they could not succeed, and that the people should be disinclined to any plan of reform, and not disposed to prosecute the measures which they should recommend they were then to abandon their purpose. They had now gone on for upwards of a twelvemonth, publishing to enlighten the people, and using every means to promote their own influence, and during all that time they had not been able to make a convert of one man in England. —They had been obliged at last to come forward with a petition of their own introduced to the House on the very day that the debate was to take place. The other petitions which united in the same object of demanding parliamentary reform carried a suspicious and dangerous appearance. Ought they not then, consistently with those principles which they had avowed in the outset, to have come forward upon this occasion, to have acknowledged their mistake, and their conviction that the people of England were not desirous of a reform, to have given up their object in which they found they could not succeed, and to have joined with us in opposing a reform which is not even desired, and which could not be granted with any propriety in the present moment, or even with the chance of advantage to those for whom it is demanded?

But what are the grounds upon which they now bring forward this question of reform? First, they state, that from the general burst of loyalty expressed by the nation upon the first alarm, there is no reason to fear that the people will pass beyond the bounds of discretion, and that no season can be more favourable for a temperate reform than that in which they have so strongly testified their attachment to the established order of things, and their reluctance to any change. Of this temper they recommend to us to take the advantage. But how stands the case? The fact, I grant, is indeed true. But it is also true, that societies in this country have been anxiously seeking not to obtain reform, but to find cause of dissatisfaction; not to allay the violence of innovation, but to inflame discontent. Is it then out of deference to that small party, actuated by such principles, and pursuing such a line of conduct, that we are to grant a reform; and not out of respect to the great body of the people of England, animated by a spirit of the purest loyalty, and too much attached to the blessings of the constitution and the present government to wish to hazard them by a change? What then is the question at issue? It is the same question which is now at issue with the whole of Europe, who are contending for the cause of order, of justice, of humanity, of religion, in opposition to anarchy, to injustice, to cruelty, to infidelity. I am sensible that ninety-nine out of a hundred of the people of England are warm in those sentiments, are sensible of the security which they enjoy for these blessings from the frame of our excellent constitution; and so far from wishing to touch it with an innovating hand, are prepared to defend it against every attack. Are we to yield then to the clamours of dissatisfaction and discontent; and are we to disregard the voice of satisfaction and gratitude? Are we, in order to gratify the caprice, or sooth the insolence, of a few disaffected, to neglect the benefit of the common body? Are we, at a moment of emergency like this, when the great cause of all is at stake, to suspend our cares for the public welfare, and attend to the discussion of petty claims and the redress of imaginary grievances? Are we, at such a moment, in order to please a few individuals, to hazard the consequence of producing alarm and distrust in the general body, firm and united in the common cause? This would indeed resemble the conduct of those who, at the moment that their citadel was besieged should proceed to the discussion of points of difference, rather than attend to providing the means of defence.

The next ground alleged for bringing forward the motion for reform at present was, that this was a time of war, and that, from the situation of commercial credit, the country was in a state of alarm and distrust. These certainly were very

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strange reasons for such a measure. If we are engaged in a war for the purpose of defending ourselves against a foreign enemy, is this a reason why we should hazard the consequences of any distraction at home? This, instead of diminishing, would be the most effectual method to add to the evil. Of the state of credit I shall say nothing, though the reasoning, as applied to it, stands in the same predicament; certain it is, that considerable embarrassment has lately taken place, a circumstance at all times very apt to result from an extensive commerce. The legislature, much to their honour, have stepped forward, and made an exertion for the aid of the merchants, which, as it is extraordinary, I hope it will be successful: but can this embarrassment be ascribed to the constitution, except by making the constitution the cause of that extent to which commerce has been carried? Can this period and this state of affairs, however, be brought forward as grounds for reform by gentlemen who last year stated on the same occasion the duration of a long peace, and the high state of public prosperity, as their motives for calling the attention of the House to that subject? These are certainly novelties which require to be reconciled before the gentlemen can make any pretensions to consistency of reasoning.

I shall next proceed to remark on the precise nature of the motion itself. The motion is, to refer to a committee one of those petitions for a reform which have been presented to the House. Whether the hon. gentleman who made the motion means likewise to refer them all, is a point of which I am not ascertained. [Mr. Grey here nodded assent.] If he means to refer them all, my reasoning on the subject is reduced to a very short compass. Ought we to refer to a committee to deliberate on this measure of unlimited suffrage? The circumstance of having moved to refer the prayers of the petitions without having pointed out any specific plan for obtaining their object, clearly renders it improper to go into any discussion on the subject. This circumstance has a tendency to excite discontent, without affording the means of allaying it. Though I formerly moved for a general inquiry, I was afterwards convinced, that it would be attended with no good effect, and I abandoned the motion. I became sensible that there was no chance of obtaining any advantage, but by bringing forward a specific proposition. If I thought so then, how much more must I now be confirmed in the same opinion? If any object is proposed for discussion, it ought to be a specific object. The contrary mode can tend only to perplex the discussion, and to render it productive of mischief.

I shall now shortly observe on the manner of introducing this business. The hon. gentleman stated fairly and candidly, that he brought forward the present question, not on the ground of right, but of expediency. I think so too. To talk of an abstracted right of equal representation is absurd. It is to arrogate that right to one form of government, whereas Providence has accommodated the different forms of government to the different states of society in which they subsist. There are as many different rights as the causes which occur to diversify the modes of government. There is one right for a Roman, another for an Athenian, and a third for a Lacedemonian; but though the hon. gentleman disclaimed the ground of general and abstracted right, he has so far enlarged his ground of expedience as to embrace the mode of reasoning, by which that wild theory is supported. He has declared himself ready to take even universal suffrage,—that mode which he approves the least, rather than to suffer the constitution to remain as it is. I so far differ with him, that I would rather abandon what I conceive to be the best plan of reform, than risk the consequences of any hazard to the constitution, as it at present subsists. Can I then embark in the same committee with the hon. gentleman, while he rejects the only plan on which I have contended for reform, and is ready to give into that which he himself deems the worst? I must confess myself alarmed at the extent to which he carries his object; and I cannot help looking at the society with some degree of suspicion, in consequence of a letter which I find signed with his own name. This letter is addressed to the people of Sheffield. These people have so well benefited by those lessons of caution and moderation which they received from their patrons, the Friends of the People, that they lately addressed to the House a petition for parliamentary reform, conceived in such terms as rendered it improper to be received. They early communicated to the Friends of the Peo-

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ple their plan for a parliamentary reform, by assembling a convention of national delegates. The answer to this is nearly expressed in the following words:—"On the plan which you have suggested we do not think it yet a fit time to deliberate. In a more advanced stage it may become a proper subject of discussion." The hon. gentleman, in his ideas of reform, proceeds upon grounds directly opposite to mine, not indeed less hostile to my views than they are to the present form of the constitution. Upon the whole, from the method which he proposes, I see no probability of a temperate reform, and, if granted, it would not even answer the end for which it is demanded. So far from satisfying those who now solicit it, it would only extend their views, and multiply and encourage their claims; they want not a parliamentary reform for itself, but for something else, in which they have a prospect. They consider it not as the end of their wishes, but only as means which may lead to their accomplishment.

But here we are told, that by refusing this reform, we are acting upon the same principle by which we lost America, by not complying with the demands of that country. The Americans desired specific relief; they pointed out a definite object with which they pledged themselves to be satisfied. It was refused to them, because it was said, that it would only encourage them to ask for more. I do not now mean to enter on the propriety of this refusal, or a discussion of the means by which America was lost; but I cannot help remarking that there is a wide difference between the two cases. Here no specific relief is demanded, no definite object is pointed out. You are desired to give, what nobody asks: and to those who tell you, that even if you give it them, they will not be satisfied. It has been asked, who were the 'they'—so often alluded to in the course of the debate. The answer was short. They were those who have signed the petitions. They claim that which can be resolved into nothing but a deduction of French principles: that which is termed the will of the majority, the will of the multitude. The motion requires you to be prepared to deliberate whether it is right or not, to give individual suffrage. On this question, I am not prepared to deliberate; first, because it wants no deliberation, and secondly, because I have deliberated upon it long enough already. I have not been so inattentive to what has now passed in a neighbouring kingdom, nor have I been so unaffected by the transactions which have there occurred, as not frequently to have taken this subject into consideration.

I shall now give my reasons, why I am not prepared to deliberate on the question: and first, because my plan went to give vigour and stability to the ancient principles of the constitution, and not to introduce into it any new principles. The merit of the British constitution is to be estimated, not by metaphysical ideas, not by vague theories, but by analysing it in practice. Its benefits are confirmed by the sure and infallible test of experience. It is on this ground, that the representation of the people, which must always be deemed a most valuable part of the constitution, rests on its present footing. In the history of this country, from the earliest period down to that in which I now speak, the number of electors have always been few in proportion to that of the great body of the people. My plan went to regulate the distribution of the right of electing members, to add some, and to transfer others; when such was my plan, am I to be told, that I have been an advocate for parliamentary reform, as if I had espoused the same side of the question which is now taken up by these hon. gentlemen, and were now resisting that cause which I had formerly supported? I affirm, that my plan is as contrary to that of the hon. gentleman, as his is to the constitution; nay, I go farther; I agree with the hon. gentleman (Mr. Windham) that to adopt the system now proposed, is to adopt the principles of the French code, and follow the example of their legislators. As these principles are unknown in the history of this country, it is to France only that we can look for their origin. The same principle which claims individual suffrage, and affirms that every man has an equal right to a share in the representation, is that which serves as the basis of that declaration of rights on which the French legislators have founded their government. We ought to recollect that there are 250 persons who possess an equal voice in the legislature with that of this House; that there is a king, who, to the third of the legislative, adds the whole of the executive power; and if this principle of individual suffrage be granted, and be carried to its utmost extent, it goes to subvert the peerage, to depose the king, and, in fine,

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to extinguish every hereditary distinction, and every privileged order, and to establish that system of equalizing anarchy announced in the code of French legislation, and attested in the blood of the massacres at Paris.

The question then is, whether you will abide by your constitution, or hazard a change, with all that dreadful train of consequences with which we have seen it attended in a neighbouring kingdom? abide by your constitution, did I say? It cannot be necessary for me to add a word more. But I would not stop there if it were possible to go farther. If it were possible for an Englishman to forget his attachment to the constitution and his loyalty to the sovereign—if it were possible for him to lose all those generous feelings which bind him to his country and secure his obedience to its laws—if it were possible for him to sacrifice all these to those principles which are brought forward to support a change of government; yet, if he should attend only to reason, he would find them wild and illusive theories. He would find the principle of individual will powerful and efficient to the destruction of every individual, and of every community; but to every good purpose null and void. He would find that those rights which entitle all to an equal share in the government are rights which only serve to remove them from useful labour, from sober industry, and from domestic connexions, and which abandon them to be the slaves of every idle caprice, and of every destructive passion. The government that adopts such principles, ceases to be a government; it unties the bands which knit together society; it forfeits the reverence and obedience of its subjects; it gives up those, whom it ought to protect, to the daggers of the Marseillese, and the assassins of Paris. Under a pretence of centering all authority in the will of the many, it establishes the worst sort of despotism. Such is the state of that wretched country, France, the detestable policy of which has added new words to the dictionary, such has the phrases of municipalities declaring themselves in a state of permanent revolution, and the nation itself in a state of sovereign insurrection! In what is called the government of the multitude, they are not the many who govern the few, but the few who govern the many. It is a species of tyranny, which adds insult to the wretchedness of its subjects, by styling its own arbitrary decrees the voice of the people, and sanctioning its acts of oppression and cruelty under the pretence of the national will. Such is the nature of those principles connected with the right of individual suffrage; and how far you are prepared to give countenance to that measure, by referring it to a committee as a subject of deliberation, you are now called to determine.

Mr. *Sheridan* said, that the speech of the right hon. gentleman was an extraordinary effort of his splendid talents, and of his noble and vigorous mind. He had applied all his powers to this subject, and had appealed with his utmost skill to the pride and passions of the assembly. The right hon. gentleman was aware that he was addressing his auditors upon a subject that required all his art, and therefore it was that all the art he was master of was used. It was a topic worthy of the highest art; that of convincing a great number of men that his conduct at this moment was not inconsistent, although perfectly different from his former professions. He thought, however, that the right hon. gentleman would have confined himself a little more to an explanation of the subject on which so much objection had been taken to his conduct; but instead of this explanation, he had found out a number of auxiliary evasions. The right hon. gentleman now objected to his hon. friend's motion upon this subject; he objected to it now, because it did not contain a specific plan; and yet it was a little whimsical that this sort of objection should arise from that right hon. gentleman, who himself had proposed precisely the same sort of motion. But the right hon. gentleman told the House, that he was now convinced of the impropriety of that measure. Convinced of the impropriety? What was it that had convinced him? Was he afraid that the proposal of asking for a committee to inquire into the truth of any allegation of the corruption of parliament might be attended with success? What was he afraid of? Did he fear that he should be obliged to carry a plan for a parliamentary reform? He hoped the right hon. gentleman had some reasons for this change of his mind, which were honourable to himself, although he had not divulged them. But the change of the right hon. gentleman's mind upon this part of the subject was still more inapplicable, for he said even now that he had not totally abandoned all thoughts of persisting in some measure for a parlia-

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mentary reform; and yet he seemed to say that he would never agree to any plan upon that subject that had not some specific remedy for a stated grievance. This was the more to be wondered at, when it was remembered that when that right hon. gentleman made one of his motions for a parliamentary reform with a specific remedy, it was negatived by a large majority. But when he moved it merely as a plan for a committee of inquiry, such as the present motion was, he was resisted only by a majority of twenty in a full House. Whatever the right hon. gentleman might think or might wish, he, for his part, had no doubt but that a motion for a committee of inquiry was the most eligible plan that could be proposed. This, he said, for many reasons, one in particular, he could not help stating, which was, the facility with which objections could be stated. Many persons, who were in their hearts enemies to any parliamentary reform, might yet, for the sake of concealing it, say, "If you had brought some other plan forward, I should have given it my support; but I am convinced that this plan is an improper one," and therefore there were always more enemies to a specific than to a general plan. This petition, therefore, in his opinion, was a proper one. It stated certain grievances, which the petitioners were ready to prove at the bar of that House; and he knew not upon what principle of justice the House could refuse entering into an inquiry.—But there was said to be a great objection to this petition, from the nature of its allegation, as well as the prayer of it; for that it went to ask that which was against the principles of the constitution. Gentlemen had laid great stress upon what they stated in that respect, which was, that the principles of the constitution, and the whole of the system of our representation, was select, and that a system of general representation would destroy the whole of the spirit of the constitution altogether, by which representation was not matter of right. Gentlemen, in making this observation were confounding the means with the principle. The principle of our constitution was representation; the means were selection and distribution. To illustrate this, Mr. Sheridan read the preamble of an act passed in the reign of James 1st, in which was stated, that the whole of the Commons were present when the bill passed their House. This was always the principle of the constitution of this country.—Another objection to the petition was, that it went to the extent of asking for universal representation. Nothing was easier than to say so; but that was not the fact; the petitioners did not claim the right of universal suffrage. But gentlemen urged, as another objection to the granting of the prayer of this petition, the danger which would attend it; and some went so far as to say, that if there was a full and complete representation of the people in that House, there would be an end of the other two branches of the legislature; for that the power of the Commons would be so great, that the King and Lords would be voted useless. Such observations he thought highly dangerous, for he was sure that if the representation of the people were complete to-morrow, the people had too much good sense to instruct their representatives to do any thing to affect the just prerogative of the King, or to diminish the privileges of the nobility; they would not suffer their agents to do any thing of that nature, because they knew that if they did, their own power would be in danger. He would assert, that if the representation of the people in the House of Commons was complete, the King would be firmer upon his throne than he was at this moment.—Another objection made by the right hon. gentleman was that which arose from the danger of transacting business in this case through the medium of delegates. How the right hon. gentleman had, on a sudden, formed such a dislike to delegates he did not know; but it reminded him of what had happened on a former occasion, when this subject was under the direction of the right hon. gentleman himself; they had then delegates, and he (Mr. S.) was one of the committee himself; so far was it from being thought at that time an impropriety, that the right hon. gentleman determined on carrying on the business in that very manner; and the lord mayor of London gave them the use of Guild-hall to transact their business, and gave them all the encouragement he could to proceed upon the plan which they had commenced; but now the word delegate seemed to be disagreeable to the right hon. gentleman. Indeed, there seemed to him to be a great deal of insincerity in his conduct upon this subject. He should have told those who had brought this matter forward, that they were not to expect his assistance: this would have

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been infinitely more manly than his present behaviour. He wished the chancellor of the exchequer would either tell the friends of parliamentary reform when he thought he should lend them his assistance, or say that he never would. He had proved he was of opinion that a season of permanent prosperity was not the time. He had proved, too, that a time of war was not the time. Should they have the assistance of the right hon. gentleman after the war with France was over, or should we then be told, that the French being subdued, we should not suffer any alteration in our own constitution. He should either say at what time he should lend that assistance, or say that he was in the wrong when he brought the subject of parliamentary reform forward, and since that time he had seen his error, and had therefore abandoned his principle. He had rather hear that the right hon. gentleman had abandoned it altogether, than find that he abandoned it only while he was minister, and that he would take it up again when he should be out of power, because that would cast a shade upon the whole subject, and make the people of this country think there was nothing like honesty among those who professed attachment to the rights of the people, and the people might therefore despise all parties, and come to a determination of doing every thing for themselves. The right hon. gentleman had intimated that the people were not desirous of a parliamentary reform, and that only a few individuals had expressed that wish. Upon this occasion he referred to the speech of an hon. gentleman (Mr. Duncombe) early in this debate, and there it would be found that the hon. gentleman had said, he believed in God that the prediction of the late earl of Chatham would prove true, that a reform in parliament would be had before the end of the present century. It had been said that the measure proposed would be dangerous at the present moment, on account of the connexion between France and this country. There could not be a more unfair argument than this, because nothing could be more different than the dispositions of the people of France and the people of this country. The one knew, and had enjoyed for a long time, a certain portion of liberty; the other had but just ousted their despotism; and therefore to refuse to inquire into this subject on that account was ridiculous. The right hon. gentleman had said much on the vigour of our constitution; he never would attempt to deny that the vigour of our constitution produced wealth; on the contrary, he allowed that wealth rose out of the constitution; but if we persisted in not taking care to preserve that constitution by every means in our power, the very wealth it produced would be the means of its destruction: and the wealth which the constitution had been the means of acquiring was the best reason why a reform should take place.—He then took notice of the observation of Mr. Windham. That hon. gentleman had said, that he was opposing those who had a wish for a revolution in this country, and not a reform. He took some time to prove that they could not lay any stress upon the representation of this country as a principle. He saw that one petition contained more names than all the electors of this country who returned one half of the members of that House. This was certainly very alarming to those who agreed with the logic of that hon. gentleman, because he maintained that the more numerous the petitioners were, the greater was the chance of their being in the wrong; and yet again, after thus speaking against majorities, he proceeded to run down the minority.—Mr. Sheridan observed, that there were but three ways of judging of any point; the first by reason, and truth; the second, by majority of the opinion of those who thought on the subject; the third force. If the first were sufficient, the other two would be unnecessary, and there would be no occasion for government because if man was to be governed by reason and truth, he would be perfect, and, being perfect, it would not be necessary that he should be governed; but as man was a frail being, it was necessary that he should have some government, and therefore there remained but the other two for his choice. Now, of these two he believed there was no difficulty in choosing; for as we all abhorred force, we came to the necessity of adopting the opinion of the majority of our fellow beings, and therefore the hon. gentleman, in declaring himself in a state of permanent insurrection against the majority of the people, was not perfectly correct. As to the general challenge of proving the abuse which subsists in our government, Mr. Sheridan said, he had no delight in it; but as he must answer, he would say, that some of the abuses of which he complained, and of which a reform of parliament was the only remedy, were, that

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Peers of the other House sent members to the House of Commons by nomination; that the Crown sent members into that House by nomination too; that some members of that House sent in members by their own nomination also—all these things made a farce of an election for the places for which these were returned; that men were created peers without having been of the least service to the public in any action of their lives, but merely on account of their parliamentary influence—the present minister had been the means of creating a hundred of them. He did not blame him, but the fault was in the system of government; that corruption was the pivot on which the whole of our public government affairs turned; that the collection of taxes was under the management of wealthy men in parliamentary interest, the consequence of which was, that the collection of them was neglected: that to make up the deficiency, excisemen must be added to the excise—this soured the temper of the people; that neither in the church, the army, the navy, or any public office, was any appointment given, but in consequence of parliamentary influence, that in consequence, corrupt majorities were at the will of the minister. In short, whether the eye was directed to the church, the law, the army, or to parliament, it could only observe the seeds of inevitable decay and ruin in the British constitution. Mr. Sheridan concluded by stating, that the object of reform which he and his colleagues had in view would be persevered in until it was effectually accomplished.

Mr. *Adam* said, that much as he respected his hon. friend who presented the petition, and those who supported the motion for referring it to a committee, he saw no possible advantage that could arise from taking it into consideration. The style of it was not new: all the objections which it contained to the present form of the representation were stated in nearly the same manner by Dr. Paley, but with an inference very different from that of the petition. "The objections," said Dr. Paley, "were of a nature to strike only at first sight, and to disappear on more accurate examination. It was, therefore, highly necessary to consider, when any alteration was proposed, whether the benefit to be gained was equal to the risk to be incurred." This doctrine has his entire assent; and to refer the petition to a committee would show only what they knew before—that there were inequalities in the representation. The next point to be inquired into was, whether or not the representation, in its present form, was such as to secure to the people those rights which were the end of all government. It had been said, that the best of all possible governments would be absolute monarchy, under a wise and virtuous prince; this he denied; for although a wise and virtuous prince might maintain those rights to the people, they had no security for their being continued. Civil rights could not be secure without political rights; and the question now was, had we such political liberty as to secure the possession of our civil rights? That we once had was admitted. A learned friend of his (Mr. Erskine), who argued in support of the motion, admitted that the representation was sufficient for this purpose before the Revolution. Since the Revolution he affirmed that the constant operation of all changes had been to extend the personal and contract the virtual representation. The various acts passed to secure the independance of elections were proofs of this; and the increase of wealth and population had added much to the number of electors in the great towns. There was also another reason; the debates in that House were more generally known, and more particularly attended to. Every member knew when he was speaking that his arguments and conduct would be discussed and canvassed by the public at large. He therefore was clearly of opinion that the representation, in its present form, was fully adequate to all the purposes which it was intended to answer, and for these reasons he should vote against the motion. With respect to the time of making it, there was no solid objection; for the alarm on which it was attempted to found an objection, he had always believed there was no ground; and, conceiving the merits of the argument to be as he had stated them, he conceived those who resorted to a variety of other topics to have rather weakened than strengthened it.

Mr. *Fox* said, he was sorry to trespass on the patience of the House at so late an hour, when, after two days debate, he could have but little hope that he should either entertain or instruct. It was new and extraordinary, that, by the course and mode of argument pursued by the right hon. the chancellor of the exchequer, he should feel himself called upon to apologise for persisting in the opinion which

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he had always held upon parliamentary reform, or to assign his reasons, and justify himself for not altering it, as the right hon. gentleman had thought fit to do. He had never before imagined that the presumption of guilt lay against consistency, and that whoever presumed to think as he had always thought must immediately be put on his defence. If the opinions which the right hon. gentleman formerly professed, if the propositions which he had endeavoured to persuade parliament to adopt, were so very erroneous, and pregnant with such alarming consequences as he had now depicted, it was but natural to suppose, that he would have read his recantation with compunction, and expressed humiliation instead of triumph in recapitulating the enormous mischiefs to which his former errors might have exposed his country. He assumed that the right hon. gentleman had completely changed his sentiments on parliamentary reform, for he had expressly said so, with the poor reserve, that the time might yet come when he should think it as expedient as he had done before. The arguments he had used would apply equally to all times; and it would have been more candid to have said so explicitly, than to have held out a hope which without a second change of opinion as entire as the first, could never be realised. In his arguments against the present motion the right hon. gentleman had had recourse to the mistake, that the object of the present motion was universal suffrage; against this, which made no part of the motion, more than half his speech was employed, and every iota of that part borrowed from what had been urged against himself ten years ago, by those who opposed his first motion for a reform in the representation. Here the right hon. gentleman was only a plagiary; not a common plagiary, indeed, but such a plagiary as Virgil, for instance, who improved and adorned whatever he borrowed. He was obliged to admit that his hon. friend who made the motion disclaimed universal suffrage for his object; but then, he said, look at the petitions! only one of which, however, contained this doctrine. Was he ready to say, that, when he brought forward his motion in 1782, none of the petitions then before the House contained the very same doctrine? But in addition to the evidence of the petitions, his hon. friend had on some other occasions, met certain persons at a tavern, known advocates for universal suffrage, which was almost proof positive that his hon. friend was so too! But how did this sort of inference operate against the right hon. gentleman himself? When he brought forward his plans of reform, he was acting at all points with the duke of Richmond, the great apostle of universal suffrage; and it was no very unreasonable supposition, that his first motion on the subject of reform might have been concerted with his grace at Richmond-house. If, then, men's intentions were to be canvassed by supposed privity to the designs of others, the privity of the right hon. gentleman to the duke of Richmond's system of universal suffrage could not be denied, and he must be pronounced guilty by his own rule.

The right hon. gentleman's next objection was to the mode—the very same mode which he himself had adopted. On more mature consideration he had altered his mode; but here he must intercede for the right hon. gentleman's juvenile judgment, and in particular request that he would not insist on dragging through the dirt all those who had supported him in his first motion. What reason he had for changing a motion, which he lost only by twenty votes, was perhaps better known to himself than to others; but he had no right to say, that a motion of the same kind was more dangerous now than his own was in 1782. Mr. Fox said, that he, who had supported all his motions for reform, thought the first the least objectionable. The mode of proceeding lately insisted upon, that a member who proposed the redress of any grievance must move a specific remedy before the House could take the grievance into consideration, was directly contrary to the most approved parliamentary practice. the member who moved for a committee might go into it with a specific statement, which he might see reason to alter, unless indeed the right hon. gentleman had got an exclusive patent for altering opinions; or the committee, supposing the grievance to be proved, might suggest a plan of their own, subject, like every other, to future modification or rejection by the House, when it appeared in the form of a bill. Such was the most convenient and the most ordinary mode of proceeding in all matters of great importance. Now, what was the right hon. gentleman's specific plan? He owed an apology to all those who voted for it, and to him (Mr.

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Fox) among the rest, and who, although they approved of a parliamentary reform, did not approve of his particular plan, but trusted, that when the general question, was carried, they should be able to frame the plan in a less exceptionable manner. These were the precise conditions on which he then called for the support of all who wished well to parliamentary reform; and now he pretended to say, that, by supporting it, they pledged themselves, not to the general question but to the particular plan. The general rule was, for all who agreed as to the existence of a grievance, and the necessity of a remedy, to concur as far as they could, and then to debate the particulars at a more advanced stage. This was a sufficient answer *ad hominem* to the right hon. gentleman, and to all the arguments against the mode. All those who wished well to the general subject ought to concur in support of the present motion, and if that were carried, the specific plan would come properly under discussion in a future stage.

Another objection was, to the time. When the right hon. gentleman made his motion, he alleged, as the reason for it, that there were no adequate means of supporting a good minister, or of repressing a bad one, without a reform in the representation; that to the inadequacy of the system had the misfortune of the American war been owing; and that it was necessary to provide against the nation's falling into a similar calamity. What had since happened to make the calamity less to be dreaded or the precaution less expedient? Under the administration of the marquis of Rockingham, an administration of which he approved, the right hon. gentleman first proposed reform, and that, too, in a time of war. Under another administration, of which he did not approve, he again proposed it, and in time of peace. On neither of these occasions did the right hon. gentleman consider the character of the ministry as at all affecting the expediency of his motion, nor had he ever argued on it in that way. A third administration succeeded, of which he certainly did not entertain a bad opinion, for he was at the head of it himself; still he maintained, or said he maintained, all the doctrines he had held before on the necessity of reform. His reason could not be that he distrusted the virtue of the then House of Commons, for it was a favourite House of Commons, on all occasions much extolled by him. Such a favourite indeed, that his plan of reform was not to commence till after the dissolution of that parliament. Thus, under all possible circumstances of time, in time of war, in time of peace, under an administration which had his confidence, under an administration that had it not, and when he himself was minister, had the right hon. gentleman agitated the question of reform. What was there now to make it improper for another to do that which it had been proper for him to do in every variety of time and circumstances? The prosperity of the country was no argument against reform, for it was not urged as a necessary measure to restore prosperity, but to give security to the prosperity which we enjoyed. That security, by the right hon. gentleman's own admission, no change of ministers, nothing else could give; for he had moved it when minister himself, and he did not surely distrust his own administration. When his hon. friend gave notice of his motion last year—a part of his argument which had been very unfairly treated— he said, that a time of national prosperity and peace, as the minister had described that to be, must be considered as favourable for reviving the question of reform. Since then, this unfortunate and mad war had been entered into, and his hon. friend said, "You who objected to my motion last year, as improper in the season of prosperity and peace, cannot now make the same objection in the season of war and much public distress." This, which he adduced merely as an *argumentum ad hominem*, to prove the inconsistency of his opponents, was attempted to be made a charge of inconsistency against himself. What objection could the right hon. gentleman raise to reviving the question of reform in a House of Commons which he had found so favourable to him on every other subject? He would hardly venture to say, that the House of Commons had been so universally complaisant to him, that he was sure they would never support a bad minister. Had they often joined him in opposing ministers whom he thought bad, he might indeed say that they would never suffer misconduct in a minister; but on nine years experience of support to his own administration, it would be rather too much to make the same inference. There could be no objection to the motion being made now,

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except that it was made by his hon. friend instead of the right hon. gentleman. In the pride of his new wisdom, his present self felt such contempt for his former self, that he could not look back on his former conduct and opinions without a sort of insulting derision. As lord Foppington said in the play, "I begin to think that when I was a commoner, I was a very nauseous fellow;" so the right hon. gentleman began to think, that when he was a reformer, he must have been a very foolish fellow: he might, nevertheless, have retained some degree of candour for his hon. friend, who had not yet received the new lights with which he was so marvellously illuminated. If the right hon. gentleman had rested his objections on the change of circumstances produced by the events in France, his argument would have been rational, or at least consistent. But he appealed to the recollection of the right hon. gentleman, whether he had not in 1785 argued as earnestly against universal representation, and painted the dangers of it in colours as strong as he had done now? The events in France, therefore, had produced no aggravation of the danger in his view of the subject, but rather made it less, inasmuch as the example of its effects in France had brought it into utter discredit in the mind of every thinking man; and what he had not considered as an objection to his own motion in 1785, he had no right to insist upon as an objection to the motion of his hon. friend now.

He had always disliked universal representation as much as the right hon. gentleman; but that dislike was no reason for charging it with more mischief than was fairly imputable to it. It had not been the cause, as the right hon. gentleman alleged, of all the evils in France. The first, or constituent assembly, was not elected on this plan, but on old usages and old abuses; yet that assembly had done some of the most unjustifiable things done in France: it had despoiled the clergy without regard to situation or character, and destroyed the nobility. The second, or legislative assembly, was not chosen by individual suffrage; for when the constitution was framed, wild as the French were, they had laid many restrictions on individual suffrage, and made the distinction between active and inactive citizens. It was, therefore, unjust to charge on it what was done by assemblies elected before it was brought into use. France, after doing great honour to herself by shaking off her old intolerable despotism, had since been governed by counsels generally unwise, and often wicked. But, what had this to do with our reform? It had been said, that French principles, though not more detestable than the principles of Russia, were more dangerous and more to be guarded against, because more fascinating. Would any man now say that French principles were fascinating? What, then, had we to fear from what no man in his senses would wish to copy?

An hon. friend of his (Mr. Windham) had last night, in a very eloquent, but very whimsical speech, endeavoured to prove that the majority was generally wrong. But when he came to answer some objections of his own suggesting, he found himself reduced to say, that when he differed from the majority, he would consider himself as equally independent of the decision of that majority as one independent county member of the decision of another—which was just to say, that he would put an end to society; for where every individual was independent of the will of the rest, no society could exist. It was singular for him to defend the decision of the majority, who had found it so often against him; and he was in hopes that his right hon. friend would have shown him some easy way of solving the difficulty. His hon. friend said, that a wise man would look first to the reason of the thing to be decided, then to force, or his power of carrying that decision into effect, but never to the majority. He would say, look first and look last to the reason of the thing, without considering whether the majority was likely to be for or against you, and least of all to force. Mr. Fox admitted that the majority might sometimes oppress the minority and that the minority might be justified in resisting such oppression, even by force: but as a general rule, though not without exception, the majority in every community must decide for the whole, because in human affairs there was no umpire but human reason. The presumption was also that the majority would be right: for if five men were to decide by a majority, it was probable that the three would be right and the two wrong, of which, if they were to decide by force, there wouldbe no probability at all. What was the criterion of truth but the general sense of mankind? Even in mathematics, we pro-

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ceeded from certain axioms, of the truth of which we had no other proof but that all mankind agreed in believing them. If, then, what all men agreed on was admitted to be true, there was a strong presumption, that what many, or the majority, agreed on, was true likewise. Even reverence for antiquity resolved itself into this; for what was it but consulting the decision of the majority, not of one or two generations, but of many, by the concurrence of which we justly thought that we arrived at greater certainty? His objection to universal suffrage was not distrust of the decision of the majority, but because there was no practical mode of collecting such suffrage, and that by attempting it, what from the operation of hope on some, fear on others, and all the sinister means of influence that would so certainly be exerted, fewer individual opinions would be collected than by an appeal to a limited number. Therefore, holding fast to the right of the majority to decide, and to the natural rights of man, as taught by the French, but much abused by their practice, he would resist universal suffrage.

Without attempting to follow his hon. friend, when he proposed to soar into the skies, or dive into the deep, to encounter his metaphysical adversaries, because in such heights and depths the operations of the actors were too remote from view to be observed with much benefit, he would rest on practice, to which he was more attached, as being better understood. And if, by a peculiar interposition of divine power, all the wisest men of every age and of every country could be collected into one assembly, he did not believe that their united wisdom would be capable of forming even a tolerable constitution. In this opinion he thought he was supported by the unvarying evidence of history and observation. Another opinion he held, no matter whether erroneous or not, for he stated it only as an illustration, namely, that the most skilful architect could not build, in the first instance, so commodious a habitation as one that had been originally intended for some other use, and had been gradually improved by successive alterations suggested by various inhabitants for its present purpose. If, then, so simple a structure as a commodious habitation was so difficult in theory, how much more difficult the structure of a government? One apparent exception might be mentioned, the constitution of the United States of America, which he believed to be so excellently constructed, and so admirably adapted to the circumstances and situation of the inhabitants, that it left us no room to boast that our own was the sole admiration of the world. The objection, however, was only apparent. They had not a constitution to build up from the foundation; they had ours to work upon, and adapt to their own wants and purposes. This was what the present motion recommended to the House—not to pull down, but to work upon our constitution, to examine it with care and reverence, to repair it where decayed, to amend it where defective, to prop it where it wanted support, to adapt it to the purposes of the present time, as our ancestors had done from generation to generation, and always transmitted it not only unimpaired, but improved, to their posterity.

His hon. friend had said, on a former occasion, that if the constitution of the House of Commons were that the county of Middlesex alone elected the representatives for the whole kingdom, he would not consent to alter that mode of representation, while he knew from experience that it had produced such benefits as we had long enjoyed. Now, suppose, for the sake of argument, that the county of Cornwall, somewhat less likely to be a virtual representative of the whole kingdom than Middlesex, were, instead of sending forty-four members to parliament, to send the whole five hundred and fifty-eight, such a House of Commons might, for a time, be a proper check on the executive power, and watch over the interest of the whole kingdom with as much care as those of Cornwall; but, with such a House of Commons, no argument would persuade him to remain satisfied, because there was no security that it would continue to do so. The question now to be examined was, did the House of Commons, as at present constituted, answer the purposes which it was intended to answer; and had the people any security that it would continue to do so? To both branches of the question he answered decidedly in the negative.

Before he proceeded to offer the reasons on which he thus answered, it was necessary to say a few words on the circumstances which, in his opinion, would justify a change. Many things short of actual suffering would justify not only a change, but even resistance. When the dispute began with America, it was not

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because it was held that the British parliament had no legal right to tax America, that the project of taxing her was opposed. The Americans, indeed, did maintain that the British parliament had no such right; but he, and many others who opposed the measure, admitted the right, and he was still of the same opinion. What, then, was the ground of the opposition? It was not any actual suffering on the part of the Americans: they themselves allowed that the taxes attempted to be imposed were of the most easy and unoppressive kind. But although these taxes were so, they had no security that heavy and oppressive taxes might not, at some future period, be imposed upon them by a legislative body, in which they had no representation, with which they had no very close connexion of common interest, and over which they had no means of control. He, therefore, and those with whom he had the honour to act, thought this want of security, for what they were not then ashamed to call the rights of man, a sufficient cause of resistance. They justified the Americans in that glorious resistance, for which they were then called the advocates of American rebels, as some of them, though too familiar with such charges much to heed them, were now called the advocates of the French. That glorious resistance was ultimately successful, and to that success would yet be owing the liberties of mankind, if in this country they should unhappily be suffered to perish. Jealousy, too, was a good cause of change, or even of resistance—not jealousy captious or malignant, but jealousy founded on well-examined and rational grounds of suspicion. Men were not bound to wait till their liberties were actually invaded: prudence called for means of prevention and defence; and to justify these, it was sufficient that they saw a clear possibility of danger.

Now, in order to shew that the House in its present state was unfit for the functions which it ought to discharge, he would refer to the history of the American war. It was dangerous to make a concession in argument; for on that concession was generally built some assertion very different from what had been conceded. He had once admitted, that the American war was popular in the beginning; and on that had been built the assertion, that he had called it the war of the people. He never called, nor meant to call it so; for, in truth, it was nothing less—it was the war of the court. By the court the project of taxing America was conceived, and the people were taught to believe that their money would be saved, and their burthens eased by a revenue drawn from another country.

Thus were they first deluded, and then bribed by an appeal to their pockets, into an approbation of the scheme of the court. This was no assumption of his, for it was perfectly well known, that when a considerable addition to the standing army was proposed, the country gentlemen were induced to agree to it, by hints that the expense would be defrayed from another quarter, instead of falling upon them. In compliance with the wishes of the court, the House passed the memorable stamp act. The stamp act was resisted and repealed; and the repeal was as popular as the passing of it had been. Was this a presumption, that the war was the war of the people? Was it not, on the contrary, a clear proof that the people had no definite idea of the object of the war? When, by subsequent acts of the same nature, and similar resistance on the part of America, the war was brought on, then, indeed the indignation of the people was excited by the supposed ingratitude of the colonies to the mother country; their passions inflamed; the love of military glory, natural to the minds of a great and brave nation, roused; and the war became popular. But the war itself was the act of the court, deluding the people by the subserviency of the House of Commons. The House passed the stamp act; the House took all the other measures that led to the war, and voted that it should be supported, not as the organ of the people, but as the obedient servant of the court. What was a successful war, he was somewhat at a loss to know. The American war from the beginning he had always called unsuccessful; but he was, year after year, told that he was quite mistaken, and that the success was fully adequate to every reasonable expectation. At length came the final blow, the capture of lord Cornwallis and his army—the war was acknowledged to be unsuccessful. and the House put an end to it, but not till several years after the people had begun to send up petitions and remonstrances against it.

In some of the petitions on the table the accumulation of the public debt was imputed to the defect of the representa-

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tion, and he was sorry to see such an absurdity in them. The accumulation of the public debt was the necessary consequence of the wars which we had been obliged to maintain in defence of our constitution and our national independence; and he, for one, had no scruple in declaring, that every war in which we had been engaged, from the revolution to the American war, was both just and necessary. He would, therefore, acquit the House of all the debt contracted, except for the American war, and as much as might fairly be imputed to too remiss a superintendence of the expenditure of public money: for all the debt contracted to support the American war, after that war became unpopular, the House of Commons was undoubtedly answerable. It was not enough for preventing wars that we were disposed to cultivate peace, if our neighbours were not as peaceably disposed as ourselves. When, therefore, the petitioners talked of preventing wars by reforming the House of Commons, they forgot that the work would be but half done, unless they could give as good a constitution to France as England would then be possessed of. But when he mentioned this, he raised no argument from it against the general prayer for a reform in the representation. His right hon. friend (Mr. Burke), on presenting his plan of reconciliation with America in 1775, made a speech, in which the virtues and the efficacy of representation were displayed with a force and clearness unparalleled. Were the people of Ireland uncivilised and unsubdued after a forcible possession of their country for ages, what was the remedy? Representation. Were the Welsh in perpetual contention among themselves, and hostility to Englishmen, what was the remedy? Representation. Were the counties of Chester and Durham full of discontent and disorder, what was the remedy? Representation. Representation was the universal panacea, the cure for every evil. When the day-star of the English constitution had arisen in their hearts, all was harmony within and without——

—Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit.

Let gentlemen read that speech * by day, and meditate on it by night; let them peruse it again and again, study it, imprint it on their minds, impress it on their hearts: they would there learn, that representation was the sovereign remedy for every disorder, the infallible security against popular discontent; let them learn this, and give to the people, not the "unreal mockery," but the efficient substance of representation.

He came next to consider the conduct of the House since the American war. When the India bill, which he had the honour to propose, was lost, was it because the bill was unpopular? By no means. Whatever odium had been afterwards excited against it, the people had then expressed no disapprobation. The chancellor of the exchequer had no hand in its defeat; for, ready and able as he was to speak against it, it passed the House of Commons by a great majority. By whom, then, was it thrown out? Let the merit be given to those to whom it belonged—it was thrown out by certain bedchamber lords, acting under the direction of those who had access to advise the king. The dismission of the ministry followed the rejection of the bill, and the House of Commons adhered to the discarded ministers. The right hon. gentleman would surely allow, that the House, in order to execute its functions, ought to command respect. Did it command respect on that occasion? Was it respected by the crown, by the peers, or by the people? The advisers of the crown disregarded its remonstrances; the peers came to resolutions censuring its proceedings; and the people treated it, not as their organ in the constitution, and the guardian of their rights, but as a faction leagued to oppress them, and with whom they had no common interest or common cause. Since that period the House had not only commanded respect, but praise, from those who were permitted to advise the crown, not by opposition, but by prompt obedience; not by a watchful and jealous guardianship of the interests of the people, but by implicit confidence in ministers, and pliant acquiescence in the measures of the court. Thrice had that House of Commons of which he had spoken, and which he should never mention but with honour, resisted the influence of the crown, and nothing then was talked of but a reform of parliament. The House of Commons had been now for nine years a complaisant and

* See Vol. 18, p. 513,

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confiding body, and the cry of reform from those who were formerly the loudest and most active was heard no more. Reform was then the only thing that could save the constitution: the very sound of reform was now pregnant with the most imminent danger. When that House of Commons resisted the influence of the court, they were told that they were not the representatives of the people, and that they were not so chosen as they ought to be. The people felt that the charge was true in part, and were easily induced to give credit to the whole. Had that House of Commons been chosen in a less objectionable manner; had the people considered them as their representatives, could they have been so contemptuously treated and so ignominiously dismissed as they had been? No; the people would have seen that the cause of their representatives was the same with their own: they would have given them their confidence and their support.

But, it was said, a House of Commons so chosen as to be a complete representative of the people, would be too powerful for the House of Lords, and even for the king: they would abolish the one and dismiss the other. If the king and the House of Lords were unnecessary and useless branches of the constitution, let them be dismissed and abolished; for the people were not made for them, but they for the people. If, on the contrary, the king and the House of Lords were felt and believed by the people, as he was confident they were, to be not only useful but essential parts of the constitution, a House of Commons, freely chosen by, and speaking the sentiments of, the people, would cherish and protect both, within the bounds which the constitution had assigned them. In the case of the Russian armament, what had been the mode of proceeding? The minister thought proper to arm against Russia, and the House of Commons was called upon to vote the supplies. Were they allowed to inquire into the necessity of that armament, or to judge of its propriety? No; they were told that to ministers it belonged to judge, and to them to confide; and on this implicit confidence they voted the sums demanded of them. In the mean time, the people showed their disapprobation of a war with Russia; the minister adopted their sentiments; called on the House of Commons to agree with him in this change of opinion, and the House acquiesced. He would neither allow the House of Commons to judge in the first instance, nor, through him, look for the opinion of the people in the second. He was to collect the opinion of the people, and tell those who ought to be their representatives, and the organs of their sentiments, what that opinion was. The lesson thus held out to every man in the House was this: —"If you look for honour or for power, you must take care to conciliate the advisers of the crown by a ready subserviency to whatever they require. If you presume to counteract them, you may enjoy the consciousness of serving the public without hope or reward; but from power and situation, from all the fair objects of honourable ambition, you are for ever excluded."

Having thus shown that the House of Commons, as now constituted, was neither adequate to the due discharge of its duties at present, nor afforded any security that it would be so in future, what remained for him to answer but general topics of declamation? He had sufficient confidence in the maxims he had early learned, and sufficient reverence for the authors from whom he learned them, to brave the ridicule now attempted to be thrown upon all who avowed opinions that, till very lately, had been received as the fundamental principles of liberty. He was ready to say with Locke, that government originated not only for, but from the people, and that the people were the legitimate sovereign in every community. If such writings as were now branded as subversive of all government had not been read and studied, would the parliament of 1640 have done those great and glorious things, but for which we might be now receiving the mandates of a despot, like Germans, or any other slaves. A noble lord (Mornington) had discovered that Rousseau, in his Social Contract, had said a very extravagant thing. He was not very well qualified to judge, for he had found the beginning of the Social Contract so extravagant, that he could not read it through, but he believed it was one of the most extravagant of that author's works. He did not mean to say that the noble lord had produced an extravagant saying from Rousseau as a novelty; but it was somewhat remarkable, that an extravagant thing, from the most extravagant work of an extravagant foreign author, should be produced as an argument against

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a reform in the representation of the people of Great Britain. Reverence for antiquity was then appealed to, and gentlemen were asked, if they would consent to alter that which in former times had been productive of such important acquisitions to liberty. With equal propriety our ancestors might have been asked, if they would alter that constitution under which so great an acquisition to liberty as Magna Charta had been obtained; and yet after the acquisition of Magna Charta, the condition of this country had been such as was rather to be execrated and detested, than cherished and admired.

When gentlemen talked of the danger of rash innovation, and the great advantages of temperate and slow reform, they might find all they had to say anticipated in a much more pleasant treatise than any of their speeches, viz. the Tale of a Tub, where brother Jack's tearing off the lace, points and embroidery from his coat, at the hazard of reducing the coat itself to tatters, and brother Martin's cautiously picking up stitch by stitch, exhibited an abstract of all their arguments on the subject. The septennial act, in the opinion of many, had been the means of preserving the House of Brunswick on the throne. But had such a House of Commons as the present been then in being, what would have become of the House of Brunswick and the protestant succession? "What!', they would have said, "adopt so violent an innovation as septennial instead of triennial parliaments; do you mean to subvert the whole fabric of the constitution? Triennial parliaments were sanctioned at the glorious epoch of the revolution; to triennial parliaments we owed all the prosperity, all the glory of the reigns of king William and queen Mary; to triennial parliaments were we indebted for the victory of Blenheim." As rationally might they have said, that to triennial parliaments they were indebted for the victory of Blenheim, as it might be now said, that to the right of Old Sarum to send members to parliament we were indebted for our annual exports being increased seven millions. If to such sources as these, national prosperity was to be traced; if for the essence of our constitution we were to repair to a cottage on Salisbury Plain; or, for the sake of antiquity more reverend, let us take Stonehenge for Old Sarum; then might we undertake pilgrimages to the sacred shrine, and tell each admiring stranger, "Look not for the causes of our envied condition in the system of our government and laws; here resides the hallowed deposit of all the happiness we enjoy; but if you move one of these rugged stones from another, the British constitution is thrown from its basis and levelled with the dust."—An hon. friend of his (Mr. Windham, who was chairman of the Downton committee), had been lately employed for many weary days in examining the divisions of burgage tenures, to be found in a trench at Downton. Had it occurred to his right hon. friend, that in this trench he was searching for the most essential principles of the constitution, the investigation would have been somewhat less irksome, the labour somewhat less fastidious.

The petition presented facts into which the House was bound to inquire, both in its legislative and its inquisitorial capacity. In the petition it was affirmed, that peers nominated members to seats in the House; and they had a standing order that no peer should interfere in elections. In the petition it was asserted, that bribery and corruption were openly practised at elections; and they had a standing order against bribery and corruption. Let the facts be inquired into, or these idle denunciations be expunged from their Journals. A select committee had reported bribery against certain electors of Stockbridge; and a bill of pains and penalties, which had been founded on that report had been rejected. He was not sorry for it: he wished not to see a poor man punished for selling his vote, while the sale of seats was connived at. The corruption of an individual voter was undoubtedly an evil, but small in comparison of the mischievous effects which the sale of seats must produce on the minds of the sellers and the buyers, while both of them knew that it was contrary to law. Let the House inquire and put a stop to such practices, or avow their expediency and repeal the laws that made them criminal.

The lateness of the hour, the clearness of the cause, and the danger of rejecting the motion, rendered it unnecessary for him to insist farther upon it. One word only with respect to the time. It was triumphantly said, by gentlemen on the other side, that ninety-nine out of every hundred of the people of England were well affected to the constitution, and he believed that they were right. Where

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then was the danger of inquiring into the defects of the constitution with a view of correcting them? Could they hope for some golden period, in which the proportion of the ill-affected would be less than as one to ninety-nine? The objection to the time was therefore a fallacy, a mere pretext for putting off what the House could not help seeing to be necessary, but felt unwilling to begin. This manner of postponing, on the most frivolous pretences, what could not be denied to be fit, was more properly the object of ridicule than of argument: the time must come when the House would be unable to disguise, even from themselves, the necessity of inquiring into the state of the representation; and then too, perhaps, they might give room for a new application of the poet's raillery on an individual———

"Let that be wrought which Mat doth say:
Yea, quoth the Erle, but not to-day."

The question being put, that the said petition be referred to the consideration of a committee; the House divided:

TELLERS.

YEAS	Mr. Sheridan - - -	}	41
	Mr. Whitbread - -	}	
NOES	Mr. Powys - - -	}	282
	Mr. Aldworth Neville -	}	

So it passed in the negative.

List of the Minority.

Right hon. C. J. Fox	Joseph Jekyll
Charles Grey	Sir W. Lemon, bart.
M. A. Taylor	St. A. St. John
P. Francis	W. Lee Antoine
J. Wharton	W. C. Shawe
Hon. T. Erskine	Edward Bouverie
Lord R. Spencer	George Byng
R. h. col. Fitzpatrick	Lord J. Russell
Thomas Thompson	Clement Taylor
W. Baker	Sir J. Jervis, K. B.
J. C. Curwen	Colonel Macleod
D. North	Thomas Whitmore
J. Courtenay	W. Plumer
Lord Weycombe	John Harrison
Benjamin Vaughan	Sir H. Fetherstonhaugh
J. R. Birch	J. G. Phillips
R. Milbank	F. Honeywood
W. Colhoun	
Charles Sturt	Tellers.
Thomas C. Western	
J. B. Church	
James Martin	R. B. Sheridan
W. Smith	S. Whitbread
W. H. Lambton	

Appeals from the Court of Justiciary]. May 1. The Earl of *Lauderdale* said, that he held in his hand a petition of appeal to their lordships, from a judgment of the court of justiciary in Scotland. He admitted, that in several instances since the Union, where petitions of appeal had been presented to that House, from judgments of the court of justiciary, in capital cases, particularly in the case of Mungo Campbell and in that of Murdieson and Miller, these petitions had been referred to committees; and, upon the report of the committees, the House had found that they were not properly brought. He thought it proper, however, to state, that, supposing the matter were now to be taken up, as it stood at the time of the Union, it seemed clear that such appeal did lay; and that appeals from the court of justiciary rested almost exactly on the same footing with appeals from the court of session, which had been uniformly entertained by that House; even with respect to appeals in capital cases, he should be apt to doubt, whether it ought to be considered as finally decided that no appeal lay, so as to put the matter perfectly at rest; in a case, indeed, which came before that House in 1781, viz. the case of James Bywater, convicted of a capital offence, and sentenced by the court of justiciary to be executed, it had undoubtedly been solemnly determined that no appeal lay; and a very able and learned speech was delivered on that occasion, by lord Mansfield; but though every thing which had come from that quarter must justly be considered of great weight, yet the noble lord seemed, in that case, to have proceeded in a great measure, on a misapprehension, in supposing it to have been clear, established law, that an appeal lay from the court of session to the parliament of Scotland prior to the Union, and to have been equally clear, that no such appeal lay from the court of justiciary; and he was confident he could satisfy their lordships, from acts of parliament and law books in Scotland, that, were the matter to be taken up now upon the footing on which it stood immediately after the Union, there could hardly be a doubt that an appeal would lie to that House, even in a capital case; and it was certainly of much importance to the country that it should do so. But, whatever weight their lordships might have been inclined to allow to the judgments which had been repeatedly given in capital cases, he would submit that the present being only the case of a misdemeanor, it stood upon a

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very different footing; for, in the only two cases of misdemeanors, where petitions of appeal had been presented against judgments of the court of justiciary, viz. the case of Elgin in 1713, and of Mackintosh and Demoster in 1768, the petitions had in fact been entertained and determined upon by that House; in the first of these cases, the judgment of the court of justiciary was reversed, and in the other the petition was referred to a committee, and upon the report of that committee, which was agreed to by the House, a direction was given to the court of justiciary in the same way as is frequently done in appeals from the court of session. This was a matter of very great importance to the whole people of Scotland, and he hoped their lordships would agree with him in thinking, that it ought to be fully discussed, and set at rest one way or another. He would therefore move that the petition be referred to a committee to consider and report to the House, whether it ought to be entertained.

The petition was then read, purporting to be the petition and appeal of James Robertson, bookseller and printer in Edinburgh, and of Walter Berry, bookseller there; and stating that they, having been brought to trial before the court of justiciary at Edinburgh, on an indictment, at the instance of his majesty's advocate, for feloniously printing and publishing a certain seditious book or pamphlet, &c. the court had found the libel relevant to infer the pains of law; that the jury had returned a verdict: whereby they found it proved that the said James Robertson did print and publish, and that the said Walter Berry did publish only the pamphlet libelled on; and the petitioners having insisted that no judgment could pass upon the verdict, and that they were entitled to be acquitted and dismissed from the bar, the court of justiciary had repelled the objection made by them in arrest of judgment, and had adjudged the one of them to be imprisoned for the space of six months, and the other for three months,* &c. The petition went on to state, that they conceived themselves to be thereby aggrieved, and appealed to their lordships for redress, &c. After the petition had been read,

Lord *Cathcart* suggested the propriety of simply moving that the petition be upon the table, in order that the noble lords might have an opportunity of considering it, as it was certainly a matter of great importance, and that a future day might be fixed to take into consideration whether it ought be referred to a committee.

Lord *Thurlow* was of opinion, that the judgments in 1713 and 1768, did by no means go the length of being precedents of that House having entertained petitions of appeal from the court of justiciary in cases of misdemeanor; but neither did they go to show any opinion of their lordships appearing upon the record, that the petitions ought not to be entertained; though there had been various judgments to that effect with regard to capital cases, and he confessed he could see no room for a distinction, in this respect, between the case of a capital offence and of a misdemeanor. He was persuaded their lordships must be completely satisfied, that an appeal could not possibly lie in the one case and not in the other. He said, it seemed a matter of regret on account of the subjects of Scotland, that no appeal should lie to that House from the supreme criminal court there, in the same way as a writ of error lies in some shape or other from the criminal courts in England, at the same time, from the forms of the law of Scotland, he saw the very great difficulties with which it would be attended in impeding the course of criminal justice, which were provided against by the regulations which took place in the law of England. If, however, other noble lords should join him in opinion, he said, he would have no objection to agree to the motion of the noble earl in order that, if any doubt remained, the matter might be finally settled by a solemn determination, which was certainly very desirable.

The *Lord Chancellor* said, that although he was of opinion that no appeal lay, and did not suppose he should be inclined to alter that opinion, yet he would not object to the petition being referred to a committee; because, if any doubt remained as to the case of misdemeanors, it would certainly be right that the matter should be finally settled.

The motion was then agreed to.*

Mr. Whitbread's Motion respecting the Embarkation and Landing of Persons from France.] May 9. The order in council

* The case of Berry and Robertson is reported in Howell's State Trials, Vol. 23. p. 80.

* The further proceedings on this subject will be found in Howell's State Trials, Vol. 23, p. 115.

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respecting the Embarkation and Landing of Persons from France being read,

Mr. *Whitbread*, before he stated the facts upon which he should ground his proceeding, begged leave to make a few remarks upon the paper which had just been read. There was no person more unwilling to consent to the abridgment of the just prerogatives of the crown than himself, or more eager to preserve them to their just extent; but he thought there could be no prerogative that gave authority for the exercise of that proclamation. If there was, such a power should be seriously considered; for he held it to be an indisputable point, that no prerogative should be held by the crown, except such as conduced to the happiness of the people. Lately, however, one of the law officers of the crown had thought fit to assert, "that his majesty had a right to regulate the passage into this kingdom." To which he begged to answer, that his majesty never had, nor by the constitution of this country could have, any such right—a right to prevent an innocent subject from landing in any of his dominions. But the order in council assumed that right, conformably to the opinion of the learned gentleman; and if such was the case, his majesty had power, under certain circumstances, to condemn, without any reason, any person he thought fit, to banishment from his native land for ever. He admitted the prerogative of the Crown to lay an embargo upon ships in time of war; but such a power as that exercised under this order, his majesty could not have by the law of England, and therefore the act was an act of tyranny. Besides the constitutional objections he had stated to this order in council, he had objections to it in point of policy, and upon the principles of justice. It would be impolitic to prevent the landing of innocent individuals, because that act would disgust all honest men. It was against the principles of justice, because the ministers of the executive power must always in such cases proceed, if they proceeded at all, upon the information of despicable informers, who had their private views of avarice or pique to gratify. Such a power would be as troublesome to the secretary of state as that which he derived from the alien bill, and more troublesome in the exercise than any other of which he was possessed. The whole principle of the order was against the spirit of the law of England, which was that every man was presumed to be innocent until he was proved to be guilty. In vain had the constitution declared that a man should know the nature of the charge to be exhibited against him when he was to be deprived in this arbitrary manner of his freedom. In vain had the constitution declared, that no man should be punished without trial, or without being heard in his defence; all these points were violated by the order in council, to which he had alluded. Having made these observations, he now came to a statement of the facts on which they arose. It was well known, that some time previous to the order in council, the National Convention of France had passed a decree, enjoining all Englishmen in France to quit that country within eight days in consequence of which, several Englishmen came to Calais, with a view of embarking for Dover, and in a short time reached that port in the Express packet; but there they were met by certain officers, who asked them whether they had passports from Mr. Dundas, with leave to land in England? They answered they had not. They were then told, that such being the case, they should not land; and if they attempted to do so, they would be resisted by force. Some of them, however, by means of a boat, contrived to land at some distance from the port; they were taken by an officer from Bow-street, acting under the imperial mandate of Mr. Dundas, and carried on board the packet again, where they, together with the other passengers, were detained for five days, and then discharged by the order of Mr. Dundas. This Mr. W. maintained to be illegal, taken in any point of view. If there was no charge to be exhibited against them, it was illegal of course. If there was a charge exhibited against them, they should have been kept in custody until trial. These were the facts on which he brought this subject forward. He meant only to institute an inquiry into the subject. He did not know whether there were any precedents for this order in council; if there were, no precedents, however numerous, could sanction a measure so repugnant to every principle of justice. He then moved, "That a committee be appointed to inquire into certain facts which took place at Dover in the latter end of February last, under the authority of the Order of Council of the 20th Feb. 1793."

Mr. Secretary *Dundas* said, that if the proclamation was tyrannical and un-

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constitutional, the original guilt of it ought not to be ascribed to his majesty's law advisers, for they had copied it from a long chain of precedents established in the best of times. It would be fit for gentlemen, before they pronounced it to be illegal, to consider whether the king had or had not a right to establish packet boats for the service of the public, and whether he had or had not a right to declare, that none should land from his vessels so employed, without a passport from one of his ministers. It was allowed by all nations, that war completely suspended all intercourse between the belligerent powers. This maxim was generally true; but many modifications had been introduced of late by milder manners and a more liberal and relaxed policy, by which the horrors of war were softened. One of these was to license certain packet boats for the purpose of carrying mails between two countries at war. Such licensing was only a partial suspension of the interruption of intercourse; and surely the crown had a power to annex conditions to that suspension. France had thought proper wholly to interrupt that intercourse; and the law of nations gave her a right to do so. The king of England would have been justified by the same law in going the same length: but he was not advised to take such a step, but merely to provide that by keeping the intercourse open on his side, for the benefit of his people, he did not open a door to evils still greater than the interruption of all intercourse whatever. This was the ground of the order of council; and surely the king was not only authorized, but bound to consult the general safety of his coasts, by giving directions that no person should be suffered to land from any of his vessels, who was not known to be peaceable and well disposed, in which case he should procure a passport from the secretary of state. With respect to the particular case mentioned by the hon. gentleman, the first account he received of the transaction, was in a letter from Mr. Bell, commander of the packet, and transmitted to him from the post office. Here he read the letter, which stated, that whilst he was on shore at the Post House at Calais, a number of persons, chiefly English, got on board his packet in his absence, and without his knowledge; that when he returned to his vessel, and found them on board, he desired they would go ashore, for it was not in his power to land them in England, unless they had passports from one of the secretaries of state; which it appeared they had not. They refused to quit the ship, and began to weigh the anchor, so that he was obliged to steer the vessel to England. He (Mr. Dundas) in answer to this letter, desired that captain Bell should come to town, to state more particularly the transaction, and give the names and characters of the passengers. This was done; and after a due examination, it was signified, at the end of three days, that the British subjects might land, and proceed without molestation to their respective homes. This was the plain state of the case; and he trusted that the House would be of opinion that there was nothing in the transaction that was either tyrannical or unconstitutional. The hon. gentleman had said, that if the parties concerned were not guilty of any crime, they ought not to have been detained. To this he would reply, that, *prima facie*, they were guilty of a great crime; they appeared to have taken forcible possession of one of his majesty's ships, and compelled the commander to disobey the positive orders of his employers. Upon a more minute inquiry, it appeared also, that there were on board some persons of characters so foul and detestable, that they ought not to be suffered in any civilized state whatever. He believed the House would not desire him to say any more than that there were on board Dr. Maxwell, a Mr. Stone, and two servants of the duke of Orleans. There were also on board some Englishmen whose conduct in France could not give much satisfaction. To detain these, therefore, until some consultation should be held, was neither illegal or oppressive. But the hon. gentleman would have it, that if they were properly detained, they ought not to have been dismissed without prosecution and trial. His answer to that was, that his majesty's ministers certainly meant to have brought them to trial if they could: and for that purpose all the information they had received relative to the conduct of the passengers in seizing the king's ship, was laid before his majesty's law officers, with directions to state their opinion, whether in the transaction there was ground for prosecution, and if there was, what mode of proceeding they would recommend. Their answer was, that there was one circumstance in the case, which would probably be a bar to conviction; and that was, that it did not appear that the captain of the packet was ac-

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quainted with the king's proclamation, and that it was in obedience to it that he refused to carry them to England. As this opinion showed that a conviction was not to be expected, and as his majesty's ministers would not order a prosecution, when they had reason to believe it would not lead to punishment, they gave directions for setting the parties concerned at liberty. The House would decide whether ministers had acted tyrannically in the business, or rather whether they had not discharged their bounden duty to their country. But were he to speak his opinion, the House had nothing to do with the affair. Parliament ought not to interfere, except to redress grievances which were beyond the reach of the ordinary courts of law, or when justice was denied. if, in the present case, any individual felt himself aggrieved, the courts of law were open to him, and he might bring his action, and compel him (Mr. D.) to answer for his conduct before a jury of his country. Hence it would appear, that there was not the smallest ground for the interference of the House.

Mr. *Francis* would not say any thing upon the legality or illegality of the proclamation; but he must observe, that the proceedings which took place at Dover, did certainly appear to him extremely severe and tyrannical. About forty Englishmen happened to be at Calais, and were placed in such a situation, from the circumstances existing in France at the time, that they had no other security, than getting on board the packet; they did so, and when they came to England, some of them were allowed to get ashore, but others were kept rolling about on board the vessel, in the most disgusting situation, and in the very worst kind of imprisonment. It had been said that this was a mere private injury—that it ought to be left to the individuals to prosecute, and was not a fit subject of investigation in that House; it was his opinion, on the contrary, that it was a most unjust, illegal, and oppressive exercise of power, and that that House ought to make it the subject of a parliamentary inquiry.

Mr. *Fox* was decidedly of opinion, that the proclamation was illegal, being satisfied that the king had no right to say, that an English subject arriving here, either in a French or English vessel, should not be permitted to land in his native country. It had been said, that all intercourse between the subjects of the two countries must cease in consequence of the war; but, admitting this to be the case, what could be more unjust than this, that persons encouraged to carry on trade with France, under the commercial treaty, and happening to be in France, in the course of carrying on their business when the war commenced, should be prohibited to return? But, supposing the proclamation legal, it would still remain to be considered, whether it was wise? It appeared to him that it would rather be prudent to encourage all persons to come home. The right hon. gentleman had spoken with great confidence of the legality and propriety of the proclamation, though his mode of reasoning, with respect to the proceedings which took place, inclined him to believe that he had some diffidence on this subject; for the right hon. gentleman had said, that these gentlemen were guilty of a crime in possessing themselves forcibly of the king's packet; and that a case had been laid before the king's counsel, who had advised against a prosecution; but, although it had been found inconvenient to prosecute them, it became necessary to detain them, for a time by some forcible means; it had been said, too, that there were some suspected persons among them, who were said to be servants of the duke of Orleans, &c. With respect to persons of this last description, he was ready to admit that no government could be so well constructed in all its parts, that it might not be necessary for the executive power, on some occasions of public danger and difficulty, to exceed the strict limits of legal authority, trusting for the justification of the measure to the nature of the exigency which called for it. But were thirty-six unsuspected persons to be punished, because there happened to be among them one or more other persons against whom suspicions lay? The forcibly seizing upon a king's packet or any other vessel, was certainly a crime punishable by law, totally independent of the proclamation; and if those persons, who were otherwise unsuspected, had been guilty of this crime, they were liable to prosecution; and if prosecuted, and the crime proved, they ought to have been punished; but, if no prosecution was brought against them, they must be considered to have been completely innocent.—Mr. Fox then alluded to the notice which had been taken of the names of Dr. Maxwell and Mr. Stone, and re-

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probated the dreadful injustice and indecency of throwing out surmises against individuals, probably of good and irreproachable characters, and who had done nothing illegal, on account of their being connected with certain associations. The last argument of the right hon. gentleman related to this being a private injury, and that it should be left to the individuals injured to apply for redress. He might possibly have acquiesced in this opinion, had the proceedings in question been the act of inferior officers; but when done under the direction of one of his majesty's secretaries of state, and involving a matter of such public importance, it seemed to him well worthy to be investigated by that House.

The *Attorney General* said, that the hon. gentleman had moved for a committee to inquire into facts which had happened in consequence of the order of council; but the facts which he had detailed, could not be connected with that order, as was evident from attending to dates. It had been asked, why those persons had not been prosecuted, if it was true that they had taken forcible possession of the packet; and allusion had been made to an opinion given by the king's counsel. The question put was, whether they could be punished under the proclamation, which was surely impossible, as they could have no knowledge of it at the time; and, considering where the thing happened, it did not appear to him how they could have been punished, for forcibly seizing on the packet, unless with such severity, as it would have been highly improper, in the circumstances of the case, to have advised.

The motion was negatived.

Debate in the Commons on the East India Company's Charter Bill.] May 13. The House being in a Committee on this Bill,

Mr. *Fox* said, he understood it was supposed by several gentlemen, that some objections were to be made to this bill before the speaker left the chair, and that afterwards the clauses would be discussed; but, although he had great objections to the principle of the bill, as others might approve of the principle, and yet might have objections to some of the clauses, he had suffered the question for the Speaker leaving the chair to pass, that those gentlemen might follow their own ideas upon the subject without much impediment from him, particularly as what he had to urge might come at a future stage of the proceeding. He did not, however, wish to let one opportunity pass without entering his protest against some of the provisions of the bill. It was thirteen years since the sentiment of the public had been expressed in that House—"that the influence of the crown had increased, was increasing, and ought to be diminished:" and he was sure, there was as much reason for that resolution now, as there was at that time. He objected to the mode in which this bill tended to extend that influence; and he must now call upon all those who in 1780 declared, that the influence of the crown ought to be diminished, to compare the influence then, and the influence now; and to say, whether they could consistently vote for the clause which gave the nomination of three officers to the crown; whether they voted for a bill brought in by a right hon. gentleman (Mr. Burke), a bill which would do him immortal honour; whether those gentlemen, he said, who had at that time entertained the sentiments they then professed upon the increase of the influence of the crown, could now vote for a measure, which so obviously tended to increase that influence.—He maintained, that the clause empowering the crown to nominate officers to act under this bill, and who were to be paid large salaries by the company, was wrong upon the principle of it. He thought that in all public situations, where officers were appointed to any public trust, the public ought to pay them, because while the payment came from the public purse, the public had some check, by their representatives, over the conduct of such officers; but, by this bill, the public were to pay circuitously and obliquely, by and through the medium of the company; for the payment of these officers was so much in diminution of what the public would otherwise receive from the revenues of the company. He felt this, and he must add that in proportion as the House felt the influence of the crown to be great, they should be impressed with a sense of their duty not to increase it.—He had heard it said on former occasions, that the gentlemen acting in the affairs of India were mere birds of passage; if so, he was sure there could be no good reason for supposing that they would be less under the influence of the crown than if they were stationary, or that they were

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therefore the less likely to be corrupt. He took this manner of calling the attention of the House to the point which he should afterwards take notice of. If gentlemen who with him had voted in the year 1780, upon the influence of the crown, had forgotten the reasons upon which the House came to its resolution upon that subject,—if they had forgotten all they formerly professed upon that subject, all he could say was, that he should do every thing in his power to improve their recollection, and therefore it was that what he now hinted at should be taken as a public notice.

Mr. *Pitt* said, that the arrangement in question was connected with a circumstance which would prevent any increase of influence to the crown. The right hon. gentleman took it for granted that three new places with salaries were to be created; but this was not precisely the case. By the former bill, his majesty was restrained from calling any person to the board of control, who was not a privy counsellor; and those who attended it, were chiefly such as held lucrative offices in the state that did not require much attendance. What the present bill proposed was, that one of the description should be made president of the board; and that two other persons, not privy counsellors, or holding any other office, should have seats at it with him; that for their support, a sum of 5,000*l.* a year, should be paid by the company, a part of which should be given to the president, in addition to the salary of the other place which he might hold, and the remainder to be equally divided between his two associates. Thus it would appear that in reality only two new places were to be created, which could be said to add any thing to the influence of the crown. Now, to counterbalance that increase of influence, it was in contemplation to make an arrangement, by which the crown would lose in precisely the same proportion; the arrangement to which he alluded was that, in future, the government of Ireland should have the nomination of the two vice-treasurers, paid by that kingdom, but who usually resided in this; and whose offices were mere sinecures. Thus, if two places were to be gained on one hand, as many would be lost on the other; and thus the increase if influence on one side would be counterbalanced by a decrease on the other. The right hon. gentleman wished that all salaries to public servants should be paid by the public. The principle was a very good one and happily was to be found in the present bill; for the fund out of which the members of the board of control were to be paid, was one in which the public had a direct interest.

The committee then went through the bill.

May 17. The said bill was reported. On the clause being read for appointing two additional commissioners for the affairs of India, who are not privy counsellors, and with certain fixed salaries,

Mr. *Fox* said, that when a clause of this alarming nature, with respect to influence, came to be discussed, he could have wished to have seen in their places those gentlemen who had expressed their sentiments so strongly on former occasions against the influence of the crown. It was surely, on every account proper that they should come forward, and give a decided opinion on this question; let them say whether they had altered their former opinion; or, if they have not altered it, whether they could reconcile the support of such a measure as the present with that opinion. He would wish to know from them, how far they thought it right to go, in cases of danger and emergency, in support of any plans brought forward by ministers, and whether they were never to oppose this shameless increase of influence. As to the thing itself, there were two very considerable offices, with certain fixed salaries, added to the patronage of the crown. It was, indeed, hinted, that perhaps some offices, belonging to another kingdom, held at present by persons in this country, would be taken off from the patronage here; but, be that as it might, would not the patronage of another country bear upon this? When the board of control was first appointed, it was said there were to be no salaries: and surely this country was never in a situation which called for stricter economy than when we were involved in a war, of which we could not see a probable speedy termination. He called upon all those who, in 1780, joined in the vote of that House, that the influence of the crown had increased, was increasing, and ought to be diminished, to come forward and say whether they were then right, and, if so, whether that influence had since decreased. With respect to his majesty's privy counsellors, there were surely many

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of them who possessed lucrative offices under the crown, who might have leisure sufficient to attend to the business of the board of control; such as the treasurer of the household, the post masters-general the treasurer of the navy, &c. If this were not the case, the appointment of this board of control, in the manner it was held out at first, was nothing but a deceit practised upon the public. He was determined to take the sense of the House that night; and, if unsuccessful, to do so in every future stage of the bill, with respect to this particular clause.

After a short debate, the House divided: For the clause 113; Against it 42.

May 24. The bill being read a third time,

Mr. *Fox* said, that having before delivered his opinion upon the subject of the amendment, which he meant to propose, he would not trouble the House with a repetition of the arguments on which he founded that opinion. But as he had given notice that he should again object to that part of the bill which went to the creation of new offices in the gift of the crown, in order that those with whom he had formerly concurred in a vote for reducing the influence of the crown, might have an opportunity of delivering their sentiments on the proposed increase of that influence, he certainly should take the sense of the House upon it. If they still concurred with him in the opinions they had formerly professed, it became them, like men who acted from a sense of duty, unbiassed by any temporary motives, to maintain those opinions by their votes on the present occasion. If, on the contrary, their opinions had changed, if they had abandoned the principles upon which he and they had formerly combated the increasing influence of the crown, it became them, in that case also, as men who acted from conviction, to avow that change, to explain the reasons of it, and to confirm it by their votes. In no case could he conceive it to be consistent with their duty and their character, to absent themselves, and leave persons who were less inclined to put a candid construction on their motives than he was, at liberty to suppose that they were either afraid to avow the change that had taken place in their opinions, or that, if they still adhered to them, they were unwilling, on account of some peculiar circumstances at the present moment, to take that part which their duty required. At all events, he had done his duty, by giving them this opportunity of delivering their sentiments, and should content himself with moving to leave out the words "and such two persons as his majesty, his heirs, and successors shall think fit."

Lord *Inchiquin* said, it was harsh to suppose, that all the gentlemen who had coincided in opinion with Mr. Fox in 1780 either had changed their principles or were afraid now to avow them. There could be no doubt respecting one gentleman's attachment to Mr. Fox, for no man had ever given the world a more striking proof of attachment to the right hon. gentleman than Mr. Burke did, on a memorable occasion, when a stink bag was thrown at the right hon. gentleman in the midst of a numerous meeting in Westminster-hall; on that occasion, Mr. Burke, it was well known, greatly hazarded his life in endeavouring to find out the wretch who had thrown the bag with a view to suffocate the right hon. gentleman. Mr. Burke had been attending all the day the trial of Mr. Hastings; and the fatigue of that attendance might well be admitted as an excuse for his absence in the evening from his place in that House.

Mr. *Fox* observed, that he complained not only of Mr. Burke, but of other gentlemen who had joined him in the vote upon the influence of the crown, in the year 1780. It appeared to him to be their duty to attend the discussion of this bill, and to assign their reasons, if they had any for thinking that the influence of the crown ought to be now increased in the manner which it would be if this bill should pass into a law.

After a few words from Mr. Sheridan, the House divided; For the clause 123; Against it, 30. On the question that the bill do pass,

Mr. *Fox* rose and said:—When, Sir, the subject was first brought under the consideration of the House, I did expect, that a committee of inquiry would have been appointed, to call for and examine the requisite evidence, which could alone enable us to form our opinions upon so important a subject, as the government and trade of India: and I did expect, that from such a committee a report would have issued, founded upon the whole of this evidence, and that, upon the different branches of the subject, the House would have sat, and solemnly and deliberately determined, what that system is, which

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is required for the administration of our Indian empire and trade. Was this the case? Nothing like it! On the contrary, the only evidence before the House, that I know of is, that some weeks past, a capital speech was made by the minister for India, giving a general account of the government and trade of our provinces, and pointing out the propriety and necessity of renewing the company's charter, and so forth. In this capital speech, not a word was heard of the proposed increase of the influence of the crown, although this was a necessary consequence of the system which it recommended. To this increase I object, and I feel it to be my duty solemnly to protest against it, as fraught with danger to the constitution, and as a measure which could only have been devised by the most strenuous advocates for despotic power. Why is this influence dangerous? Because it is irresponsible. Is it to be placed in the hands of those who are to be vested with the real power? No: it is to be given to their agents and dependants, whose responsibility, from the nature of their situation, it is absurd to speak of. Upon the ground of this objection, and of others which I shall presently state, I feel it to be my duty to oppose the whole of this bill, as disgraceful to its proposers, and if adopted, to this House; as dangerous to the public in general, and repugnant to the principles of the constitution in particular.—Taking this, therefore, as the ground of his objection, Mr. Fox conceived it to be his duty to submit a few observations to the consideration of the House. Many of the members would recollect, that in the year 1783, he had successfully pointed out the extraordinary influence then in the hands of the directors. At that period, however, as the influence was independent of the crown, he thought that it might be wise neither to increase it, nor to diminish it, but to leave it, as to quantity, where it then stood. A short time afterwards, upon a fuller view of the whole subject, he was decidedly of opinion, that it was highly improper to leave this influence with a commercial body, and that it ought to be vested in those who, from their characters and situations, with respect to the public, were better qualified to exercise it. This was the leading provision in the bill, which he had the honour to submit to the House in 1783. The fate of that bill, it was now as unnecessary as it would be unavailing, to relate. But it was impossible for him to allow the accusations which had been, in his opinion, improperly and unjustly brought against him, to pass without refuting them, and reprobating them in the terms they deserved. These accusations were twofold: first, that his bill tended to lessen, and next to increase the influence of the crown, though in truth, it had neither of these objects in view. At that time he had stated, and he again repeated, that his object was to take the power from the directors, where it was most improperly placed, and to vest it in commissioners, who were to be immediately under the coutrol of parliament. I am convinced (said Mr. Fox,) that the more that bill is examined, the more it will meet with the approbation of the public. That bill had a defined object, a clear and precise meaning; the bill now under consideration is the reverse of it in every respect. It has no defined object, and it has a concealed meaning; for under the specious pretext of avoiding the objectionable influence in my bill, it grasps at the whole of the patronage of India, in a way totally disconnected with responsibility.—Mr. Fox next observed, that the manner in which the right hon. gentleman who had brought in the bill had treated the point of influence was such, that he could not allow his observations to pass without taking some notice of them. It has been asserted, that the patronage of India consists in the appointment of a few writers. Now, if there is a man living who can believe this assertion, I wish him joy of his credulity. I ask any man who is not insane, in whom, if this bill shall pass into a law, will the whole of the patronage of India be vested? Will not the company and their directors be the mere tools of the minister for the time being? Who appointed lord Cornwallis or sir John Shore? Was it the company? No; it was the board of control. Is this, then, the boasted measure which is to lessen the influence of the crown, to convey no new patronage to the minister, and to give him no room to exercise his caprice or his prejudices in appointments in India? What in reality is this boasted bill? It is nothing but a continuation of that system of deception, fraud, and rapacity, which has marked the conduct of ministers in the management of the affairs of India. Have the House forgotten the declaratory bill? Did not the minister for India then embrace the principle, of

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placing the whole of the territorial power in the crown, and of appropriating the revenues to the maintenance of the military establishments there; though the bill of 1784 had no such principle, nor any thing like it? *Ex pede Herculem!* The declaratory bill was founded on the 11th clause of the bill of 1784, the object of which is only "to afford the board information respecting the company's affairs abroad, and to require the company to pay due obedience to such orders as they shall receive from the board, touching the civil or military government and revenues of the British territorial possessions in the East Indies." The provisions of the declaratory bill, however, gave to ministers the uncontrolled power of appropriating the revenues of India to such military establishments as they should think fit to create or employ. The declaratory bill thus professed one thing, and by its provisions effected another. To obtain farther information respecting India was its professed object, but to vest the power and revenues of India in the crown its real object. He pronounced, that the present bill was a continuation of the system of delusion, fraud, and rapacity, which had been introduced by the bill of 1784, and by the declaratory bill. The present bill pretended to wave all patronage, whilst it, in fact, grasped at patronage of every description. It affected to say, that responsibility was to be attached to those who were to exercise power; but, in fact and in truth, it gave security to corruption, and a facility to the exercise of corrupt practices. This (said Mr. Fox), I am entitled to affirm, because it will enable the minister to engross the whole power, and yet screen him from all responsibility. Every thing, by it, is to be carried on by agents, who, from the nature of all governments, never can be made responsible for the corruption of those whose commands they obey. Upon these grounds, I protest against the whole of this system; but as it may be expedient to renew the charter of the East India company for a short time, I move as an amendment, "That instead of the words 1811 the words 1797, be inserted," being four years, the same period which I fixed on as necessary in making an experiment, under my own bill.

Mr. *Pitt* said, that it must have appeared an extraordinary circumstance to the House, that a bill of such importance should have passed to a third reading, with a quietness unexampled in the annals of parliament, and that now it should be censured with ungoverned and angry words. The right hon. gentleman who had delivered them had perhaps withheld his opposition, during the earlier progress of the business, that he might, in the last stage of it, with collected hostility, bear it down fully and finally. He had allowed that the bill was of uncommon importance, and yet he had met it with a silence which was unusual to him, and scarcely compatible with that conscientious sense of duty, which had led him in this last moment of discussion, to reprobate the whole bill in its principle and in its provisions, to act hostilely against every measure proposed by me, or my right hon. friend. The right hon. gentleman had condemned the bill, as disgraceful to the proposers, and to the House, if they should adopt it; and yet, he had not pointed out in what the disgrace of either would consist. There seemed to be but three ways in which it was possible to account for this assertion. In the first place, that the bill had been indecently precipitated through the House, and all discussions upon it prevented. In the second place, that the right hon. gentleman, though convinced of the importance of the bill, had been so remiss in his duty, as to have given no attention to the subject. In the third place, that though he condemned the bill (as indeed he did all the measures of its proposers) yet, that, convinced the provisions in it were unexceptionable, and that the more they were examined, the more wise and excellent they would appear, he had prudently shrunk from the discussion, and had now endeavoured to atone for his former remissness, by angry and passionate expressions. In one of the right hon. gentleman's assertions, and in one only, he perfectly agreed, namely, that a capital speech had been made by his right hon. friend (Mr. Dundas). This the House and the public already knew; a speech which, for comprehensive knowledge of the history of India, and of the various sources of the British commerce to the East Indies, he would venture to affirm, though it might have been equalled in that House, had never been excelled. It was singular, however, that capital as this speech certainly was, and important as the subject had been allowed to be by the right hon. gentleman himself, yet the right hon. gentleman had heard only a part of that speech.

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He had thus avoided one of the means of obtaining that information, of the want of which he now complained. Nor was this all; for it was obvious that he had not perused the whole of the evidence before the House. Had not his right hon. friend in February last, called the attention of the House to the subject of Indian affairs? Had he not invited the manufacturing interests to bring forward their claims, and the company to devise means by which those claims could be satisfied? Had not the subject, for the last nine years, occupied the attention of parliament at various periods? Had not his right hon. friend in successive years, laid the state of the company's affairs abroad before the House? Had not, in each of these years, resolutions been adopted, which marked the progressive stages of their improvement? Had the right hon. gentleman forgotten, that the principles of a free trade to India, were discussed, when his own memorable bill was proposed and the present system adopted? Could, then, the right hon. gentleman complain that any thing like surprise had been attempted? The answer was obvious. The right hon. gentleman had avoided opposition in the detail, because he knew he would be unsuccessful in every point—Mr. Pitt said, he felt the most entire satisfaction, when he contemplated the whole progress of the present measure; more particularly when he considered the efforts which the right hon. gentleman was disposed to make to counteract it, had he thought it prudent to oppose his own prejudices to the opinions of the public. Mr. Pitt now proceeded to examine the observations made by Mr. Fox. It had been asserted, that the exclusive privilege was to be continued with the company, and yet that trade was to be opened; and this had been condemned as an inconsistent absurdity, professing to do what it was impossible could be done, and consequently, as a mere job and political delusion. Upon this point, again, the want of information was complained of, though the truth was, that so far from wanting information to form his opinion, the right hon. gentleman must know, that there was too much information before the House for his purpose. He therefore had had recourse to the common-place topic, that a free trade was preferable to a monopoly, insisting, that the House ought not to forget this principle, unless very good reasons should be giving for adopting a contrary one. This speculation had been repeated a thousand times, by much less ingenious men than the right hon. member, and scarcely could have been expected to be resorted to, as the force of it had been done away by his right hon. friend, when he first opened the subject, bottoming his argument, not on vague speculation, but on inferences drawn from history and from authenticated accounts. If his arguments and these proofs were not sufficient, why had not the right hon. gentleman called for farther documents? His avocations, perhaps, might be too numerous and important, to admit of one moment being thrown away on the continent of India, though this had been the field over which his talents and his hopes had so long expatiated with pleasure. Here Mr. Pitt asked, whether the claims of the manufacturers had not been listened to and provided for; and whether the exclusive privilege of the company had not been rendered subservient to the resources of the empire? Though the expedient adopted was not less wise than it was practicable, unfortunately it did not suit the right hon. gentleman's plan of opposition, and therefore it necessarily had incurred his censure. It had next been asserted by the right hon. gentleman, that the political regulations proposed for India, were not less objectionable than the commercial. Upon this subject he must be allowed to say, that the right hon. member was either ignorant of, or had forgotten the state of India, since he had not adverted to one single circumstance in the present political administration of the provinces, to which his assertion would apply. Leaving behind him, therefore, this subject, he had next resorted to the point of influence, but had not adduced a single example in which that influence was to be increased by the present bill. On this subject, Mr. Pitt observed, that it was necessary for him to explain in what the influence from the appointment of writers consisted. Upon this point, he only wished the House to advert to the regulations under which the service in India was placed. The writer or cadet could only hope to rise to employments of trust, after he had passed through many inferior gradations of service. Offices of trust could no longer be given away at discretion, but were conferred on those whose rank, perseverance, and talents entitled them to this reward. The influence, therefore, acquired by administration, from

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the appointment of writers and cadets by the directors, (supposing that court to be under the guidance of ministers) was placed at so great a distance, that it gave no new or unconstitutional patronage to the crown. Upon the influence from the appointment of governors and commanders in chief, which the right hon. gentleman had asserted to be indirectly in the crown, though directly in the company, he would only say, that no new influence was here grasped at, since the existing system was only to be continued. This system, however, had been reprobated as vicious and disgraceful; and these heavy censures, supported by a reference to the 11th clause of he bill of 1784, though that clause was not in the least applicable to the subject. That clause, as the right hon. gentleman had said, went only to establish the power of the commissioners for the affairs of India, to require the most full information from the directors; but the sixth clause, upon which the declaratory bill rested, was over looked by him, because it would not answer his purpose; for it establishes, "that the board shall be fully authorized and empowered, from time to time, to superintend, direct, and control all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies," so that the declaratory bill, in fact, was only a fuller explanation of the bill of 1784. Mr. Pitt next begged the attention of the House to a subject, which the right hon. gentleman himself had introduced, viz. the influence which his own bill was to give, compared with that at present under consideration. By the one, not only the appointments at home, but all the appointments abroad, were to be in his commissioners; by the other, the whole appointments were to be left with the directors, reserving the power of recall to the king. However unwilling I am (said Mr. Pitt) to enter farther into this comparison, I must be forgiven for pointing out, that by the right hon. gentleman's bill, from writers and cadets to the highest offices in India, not less than four hundred offices were to be in the nomination of his commissioners. I will admit that this bill did not apparently tend to increase the influence of the crown; but a very slight attention to its provisions will discover, that it either might be used to increase the influence of the crown, or to diminish it, and in a manner subversive of the constitution. It would have increased it, when these commissioners should choose to act in union with the crown; and it would have decreased it, when they might chuse to act independently of the crown; that is, the right hon. gentleman's bill created an immense patronage, which was to be concentrated in a political party, formidable to the crown when in opposition, and adding to its influence when in power. Upon this subject, however, the public opinion was made up at the time, and had continued unaltered. Had that bill passed into a law, our happy constitution would have been subverted. The right hon. gentleman, indeed, had limited the power to be given to his commissioners to the period of four years; that was during the period of the existing parliament; and, very probably, that might be his reason for the period to which he was now willing to extend the term of the company's charter, without reflecting, that limiting the exclusive privilege to four years, would necessarily cripple the company, preclude them from extending their commerce, and prevent them from contributing, in the manner the present bill proposes, to the resources of the nation.

The House divided on Mr. Fox's Amendment: Yeas, 26: Noes, 132: The Bill was then passed.

Debate in the Commons on the Abolition of the Slave Trade.] May 14. Mr. Wilberforce moved, "That leave be given to bring in a bill for abolishing the Trade carried on for supplying foreign territories with Slaves." The question being put, "that the said motion be referred to a committee of the whole House,"

Mr. *Fox*, after taking notice of what the House had done last year, and what the Lords were doing in this, upon this subject, warned the House not to trust too much to the good temper of the people, by trifling with their requests, passing resolutions in one session in one year, by which the public were taught to expect that this infamous traffic should in time be abolished, and then abandoning the whole in another session, by having recourse to the shift of saying, that the subject was before the other House; that it was a dangerous time to meddle with our commerce; or by any such quibbles. This trade was no more like real, fair commerce, than it was like justice or humanity; commerce was disgraced by being compared to it. It was an odious,

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monstrous, inhuman traffic, and a foul stain upon the British character. Such the majority of the House thought it last year; such the mass of the people thought it then; such they thought it now; and if they had not renewed their petitions to the House, it was because they had confidence in its justice, its humanity, its honour, and its regard for the consistency of its own proceedings; and gentlemen would do well, if they wished the public to have any esteem for that House, not to teach them that their confidence was misplaced, when they thought that House would perform its duty. He trusted the House would agree to the motion; or that if they thought the House too thin to decide upon a point so important, they would adjourn the debate for a day or two, and go into a committee, and discuss the subject fairly, if any farther discussion was necessary.

Mr. *Pitt* maintained, that the House ought, in justice to its own character, and in support of its own honour, to adopt the motion now before them.

The House divided: Yeas, 41; Noes, 34. Mr. Wilberforce then moved, "That leave be given to bring in a bill to limit and regulate the importation of slaves to the British colonies, for a time to be limited." After a short conversation, the House divided: Yeas, 25; Noes, 35; so it passed in the negative.

May 22. Mr. Wilberforce moved the order of the day for the House to resolve itself into a committee of the whole House, to consider of a motion for preventing the supply of foreign powers with Slaves; which being carried, a bill was ordered to be brought in for that purpose, which was negatived on the third reading, June 12, by a majority of 31 against 29.

Debate in the Commons on the Institution of a Board of Agriculture.] May 15. Sir *John Sinclair* rose to submit to the House the motion of which he had given notice, with respect to the state of the Agriculture of this country. The measure he proposed was to be only an experimental one for five years. He then proceeded to state, how much room there was in this country for improvement in agriculture, and the great advantages to be derived from it. Nothing, in his opinion, seemed so likely to effectuate this desirable purpose, as the appointment of a board of agriculture, composed of respectable gentlemen, perfectly conversant in and acquainted with the subject, as well as considerably interested in the success of the scheme, and who, he would propose, should act without any reward or emolument. Various advantages would, as he conceived, be derived from such a plan, and the expense would not exceed 3,000*l.* in salaries to clerks, &c. This being a public board, would, no doubt, have the privilege of franking; and one very material benefit of it would be, the establishing a free communication of the different improvements in agriculture, from one part of the country to another. He concluded with moving,

"That an humble Address be presented to his Majesty, entreating, that his majesty would be graciously pleased to take into his royal consideration the advantages which might be derived, by the public, from the establishment of a Board of Agriculture and internal improvement:—Humbly representing to his majesty, that, though in some particular districts, improved methods of cultivating the soil are practised, yet that, in the greatest part of these kingdoms, the principles of agriculture, are not yet sufficiently understood, nor are the implements of husbandry, or the stock of the farmer, brought to that perfection of which they are capable:—That his faithful Commons are persuaded, if such an institution were to take place, that such inquiries might be made into the internal state of the country, and a spirit of improvement so effectually encouraged, as must naturally tend to produce many important national benefits, the attainment of which his majesty has ever shown a most gracious disposition to promote; and, in particular, that such a measure might be the means of uniting a judicious system of husbandry to the advantages of domestic manufacturing industry, and the benefits, of foreign commerce, and consequently, of establishing, on the surest and best foundations, the prosperity of his kingdoms:—And if his majesty shall be graciously pleased to direct the institution of such a board, for a limited time, to assure his majesty, that his faithful Commons will cheerfully defray any expense attending the same, to the amount of a sum not exceeding 3,000*l.* per annum."

Lord *Sheffield* seconded the motion.

Mr. *Hussey* said, that no member could be more anxious than himself, with re-

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spect to the objects proposed to be attained; but he wished for more time to investigate the means proposed for that purpose, and the probability of their success; and to consider better, whether, by agreeing to the motion, they might not be holding out false hopes to the country. It was, besides, a subject which ought to be discussed in a much fuller House, and he would therefore propose to adjourn the debate.

Sir W. Dolben, Mr. Wilberforce, Mr. Dundas, and Mr. Pitt, &c. spoke in favour of the motion; which, as a matter of experiment, promised as well as any that had ever been proposed, at a small expense, in comparison with the benefits likely to arise from it. It was, however, agreed that the debate should be adjourned to the 17th.

May 17. The debate being resumed, Mr. *Hussey* opposed the motion. He said there was a society established for the same purpose in the Adelphi, supported by voluntary contributions, which had subsisted for forty years. The sum contributed amounted to 1,200*l.* a year, and they distributed 800*l.* annually in premiums. Similar societies existed in different parts of the country. He had made many inquiries of those whom he considered most capable of forming an opinion as to the probable good to be expected from the present plan, and he had found none who thought it a proper plan. He was convinced the motives of the hon. baronet were pure, but he could not agree to take 3,000*l.* a year out of the pockets of the people for the purpose of trying projects.

Mr. *Duncombe* conceived the improvement of agriculture to be of the highest importance, and, as his expectations from the proposed plan were pretty considerable, he would certainly give it his support.

Mr. *D. Scott* thought it the duty of the House to protect agriculture as much as they had done commerce, and expressed his approbation of the motion.

Mr. *Pulteney* supported the motion. The expense was trifling, in proportion to the benefits to be expected from it.

Sir *W. Dolben* was of opinion, that unless the sum proposed should be doubled, and one half of it distributed in premiums, no practical advantage would arise from the present plan. This board would assume to itself the whole correspondence, and private societies would be left to pay the reward, not upon their own discretion, but upon that of the new board.

Mr. *Sheridan* said, it was the first time he had heard of its being a circumstance of degradation to pay rewards: the two following lines, as applied to this country, expressed a very different sentiment—

> For let people do, or let people say,
> It always looks great, to have something to pay.

In his opinion it was impossible to give a good reason why the public should pay the expense proposed. It was said the commissioners were to act without any reward; but he was always extremely jealous when he found gentlemen too forward and zealous to do good to the public for nothing; upon that footing the Board of Control had been instituted. He had no objection to the principles of the motion, independent of the one he had mentioned, and would therefore conclude with moving, as an amendment to the address, to leave out the latter part of it, and to insert the following words: "provided the same shall not be attended with any expense to the public.

Mr. *Fox* objected to the original motion, because the measure was in itself objectionable, it being in his opinion a mere job and likely to be converted into an instrument of influence; and because if the measure was a good one, the mode proposed for carrying it into execution was bad. It was to be done by address, and consequently the ministers of the crown would have the nomination of the members of the board, and the means of extending patronage. The crown also might annex what conditions it pleased to the qualification of members, and exclude many able men, by requiring that they should subscribe religious tests. If such a board ought to be instituted at all, it ought to be done by act of parliament, and not by an address; for if done by an act, both Houses would have an opportunity of examining the regulations of the board, and every thing belonging to it.

Mr. *Pitt* said it was impossible that the board should be fairly styled an instrument of influence, or the means of extending patronage. The expense was to be 3,000*l.* a year, but this money was not to be for salaries to the members, but merely for defraying the expense of clerks for doing the ordinary business of the board; and the rest of the sum was

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to be laid out in procuring useful information respecting agriculture, and disseminating it through the kingdom.

Mr. *Hussey* disapproved highly of voting money in that sudden way, instead of originating the matter in a committee of supply, by which means it would be liable to investigation in the different stages of its progress.

Mr. *Martin* was prejudiced in favour of the address, but he could not agree to vote money in that summary manner.

Mr. *Grey* said, he would vote for the amendment, though he would rather have wished it had gone the length of giving a direct negative to the motion. It was impossible for him to agree to vote a shilling from the pockets of his constituents for erecting boards and creating expense, at a time when we ought rather to look for every possible reduction of expense.

Mr. Sheridan's amendment was negatived. The House then divided on the original motion: Yeas, 101; Noes, 26.

Stockbridge Election Bribery Bill.]—May 27. Mr. Eliot moved the order of the day, for receiving the report of the Committee on the Bill for preventing Bribery and Corruption in the Election of Members for the Borough of Stockbridge.

Sir *Richard Hill* opposed the motion. He said, that the bill went to punish the majority, for the imputed guilt of the minority. The laws of man required that guilt should not only be alleged, but proved before punishment could be justly inflicted; and next, that punishment should fall solely upon the guilty; but, in the present case, the innocent were the persons who were to feel the penalties of the bill. Such a proceeding was no less opposite to the merciful conduct of God towards his creatures, than it was to the rules of justice and equity; for when the wrath of the Almighty was kindled against the wicked city on account of its abominations, the Lord said he would pardon all the inhabitants, if so many as ten innocent persons could be found among them. The true ground on which the bill rested was that of power; and the House was called upon to do an act, not because it was just or equitable, but because parliament was able to do it. He admitted that such a proceeding was not without precedents; for he recollected two, one of which was ancient, the other modern: but he did not think they were such as ought to be followed. The former was the case of a lion, who made such a division of the stag, among his companions of the chase, as was better suited to his strength, than to justice. The latter was that of the late partition of Poland, which proved what the parties concerned in it dared, rather than what they ought to do. Who would be the Frederic and the Catharine of the little hemisphere borough of Stockbridge, he could not presume to say; but he was of opinion that it must strike every one that the two cases were similar; Poland was dismembered because some of its people entertained notions disagreeable to the neighbouring powers; and the majority of the electors of Stockbridge were to be punished, because some of their fellow inhabitants were said to have abused their trust; and lest they (the majority) should ever do the like.—Upon this principle, he contended parliament might take from any man his money, because he might idly spend it in the ale-house.

Mr. *Eliot* said, the hon. baronet was mistaken, if he imagined the bill was to punish the majority for the guilt of the minority; on the contrary, it was framed on the presumption that the majority of the electors had been guilty of bribery and corruption.

Mr. *Ellis* said, that by whatever gentle name the bill might be called, it would be in point of effect, a bill of pains and penalties; and as an *ex post facto* law, it would punish individuals for acts done before the passing of that law. The bill appeared to him objectionable in another point of view; for it could not fail to lessen the value of the property of men, who were not only not guilty of any crime, but not so much as accused. The right of voting at Stockbridge was resident in householders; the property of the houses and of the ground on which they stood, was not in the tenants; and yet for the misconduct of these, the owners were to have their estates depreciated in value; for no doubt the value must be lowered, if a man to whose estate was annexed a 150th share of the power of returning two members to serve in parliament, was to have so many new electors poured in upon him as to reduce it to a 1,500th share.

Mr. *Buxton* considered the bill as a desirable and practical mode of reforming parliament. It did not come recommended to him by wild theory or speculation,

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but by experience; the bills of the same nature, which had passed for regulating elections at Shoreham and Cricklade, had been productive of much good; and therefore a similar system with respect to Stockbridge, it might well be expected, would be attended with the desired effect of preventing bribery and corruption in that borough for the future.

Mr. *Barham* said, it was by no means the case that the majority of the electors of Stockbridge had been guilty of bribery, for though the total amount exceeded 180, the bill for disfranchising such as had appeared to the committee to have sold their votes, contained the names of no more than 63.

The *Attorney General* condemned the system of proceeding by a bill of pains and penalties against men, on account of a business before a select committee, in which the parties accused of having sold their votes, could not, by any process or colour of law, make their innocence appear, however innocent they might be. The decision of that committee, with respect to the right of the petitioners to a seat in that House was by law final and conclusive; but there was no other question before them, on which they could finally decide; and consequently, the parties which might be collaterally implicated in the consequences of their determination, could not before their tribunal defend their cause, and guard against those consequences. To bills of pains and penalties, to *ex post facto* laws, he was a determined enemy: a man ought not to be punished by any law which was not in existence when the act to be punished was done. If gentlemen were friends to such bills as the present, merely because they were steps towards a parliamentary reform, he thought it would be much more manly, and much more consonant to the general principles of justice and equity, for them to move at once for a bill for reforming the representation of the people in parliament, than to attempt to attain that by means repugnant to the laws of England, and to every idea of sound jurisprudence.

Mr. *Hardinge* said, he was a friend to the bill; because, in the first place, bribery ought to be suppressed, and in the next because bills of this nature had in two instances produced all the salutary consequences that had been expected from them. The objection that the bill would lessen the value of property in Stockbridge, he would not allow to have any weight, because the parliamentary franchise was a trust to be exercised, not for the benefit of the individual who possessed but for the general good of the whole community; and when it appeared that this trust had been abused, it was the duty of parliament to guard against a future abuse of it, by passing such a bill, as that which was then under consideration.

The House divided: For receiving the Report 33; Against it 41. The bill, of course, was lost.

Sir C. Bunbury's Resolutions respecting Convicts for Transportation]. May 31. Sir *C. Bunbury* said, that in prefacing his motion it was his wish to imitate what was deemed that art of oratory amongst the ancients, namely, the saying much in a few words, rather than the modern practice of saying little in a great many. But, exclusive of such claim on the attention of the House, he believed it would be a sufficient apology if he assured it, that his object was to lessen the sum of human misery, and to prevent an unnecessary expenditure of the public treasure. He conceived that not only humanity, but policy ought to induce ministers to turn their thoughts towards the unhappy Convicts destined for Transportation. He called the attention of the House to their situation after sentence. They were assembled in our common yard in Newgate, and other unimproved prisons, where they remained many months in rags, filth, and idleness, and afterwards they were sent on board the hulks, where they frequently staid a long time; by which those whose morals were not totally depraved, were rendered completely so by this mischievous and impolitic association, He estimated, that of the seven years transportation, which was the sentence of the court, two years were mis-spent in indolence and bad company; reckoning one year consumed in gaol and on board the hulks, the average passage to New South Wales six months, and six months for their return, each of which voyages cost 20*l.* per man, so that the system was as expensive as it was baneful; and if they were not brought back it was still worse, as it was a flagrant breach of justice; nearly one-third of their term, and sometimes more, was thus wasted in a manner not only adverse to reformation, but calculated to augment their depravity and make them thieves during their lives. "Associate and reform," exclaims the patriot. This maxim might be just res-

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pecting honest men, from whose associations much good might arise; but it should be reversed when applied to the dishonest. The association of the bad must produce evil. "Separate and reform," is the maxim to be attended to in the management of thieves. But though a friend to proper separation and seclusion, he disapproved of long confinement in solitary cells, which, he feared, had too often been inflicted even for slight offences, since the 31st Geo. 3d, for the better regulating of prisons, which carried the power of the penitentiary act into general use, and gave to all magistrates the power of punishing all offences within their cognizance by solitary imprisonment; a punishment which by the former act of the 19th Geo. 3d was restricted to the judges of assizes, and to offenders guilty of crimes of such magnitude as were usually doomed to transportation. This act of the 31st, therefore, ought to have been accompanied by a revisal of our code of penal law: for since the penalty of imprisonment was greatly increased by solitude, the duration of the term ought to be proportionably diminished, and for trivial faults should be very short. It was a strong and potent remedy; and, like all strong remedies, should be administered with a cautious and discreet hand; what was good for physic, was not good for food. On the whole, sir Charles reprobated the practice of sending felons sentenced to transportation for seven years, to a barren spot in one of the remotest corners of the globe, at which, when they arrived, after much trouble and expense, they were to be preserved from perishing by famine, by corn and meat sent from England; the precarious arrival of which had subjected them to frequent alarms and distress. The colony, since its establishment in January 1788, had almost always been on a reduced ration; as governor Phillip, though he thought the settlement, from the present state of its cultivation, would soon be able to supply itself with grain, recommended that a sufficent quantity should be sent thither to serve till the year 1794. And as supplies of beef and pork would be wanting for four or five years more, sir Charles advised the sending ships for those articles to the fruitful island of Madagascar, from whence they might be procured at a much cheaper rate than from great Britain. Perhaps, indeed, it would be wiser rather than to send provisions from hence to the hungry inhabitants of Sydney Cove, to send them to the provisions, as Madagascar was a place infinitely more eligible for a settlement, abounding not only in corn and cattle, but in various natural productions most serviceable in trade and manufactures. Sir Charles thought of the inferior delinquents, whom the laws deemed corrigible, and sentenced for the limited term of seven years, the very old, the very young, the crippled, the infirm, and the penitent, might be usefully employed in that labour best suited to their capacities in a well-regulated penitentiary house, and by proper care and discipline their morals might be amended, and their bad habits reformed.—The propriety of this mode of treatment he thought himself justified in recommending, as it had not only received the repeated sanction of both Houses of parliament, but in those counties where, by the liberality of the inhabitants, and the laudable zeal and attention of the magistrates, the prisons had been so constructed and regulated as to try its operation, the most beneficial effects had resulted from it, and the great object of all punishments in some degree attained, many having been reformed, and many deterred from the commission of crimes. The remainder of these criminals, if the American States refused to receive them, he advised, should be sent to Hudson's Bay. When America refused to receive our convicts, penitentiary houses were proposed; but in consequence of the great expense, this scheme was not carried into execution. The next plan adopted, was that of sending them to Botany Bay. After recounting the miseries these unfortunate people underwent in prison, on board the hulks, and in their passage, in glowing colours, sir Charles proceeded to state the estimate of the expense incurred by government by their transportation. The public since the establishment of the settlement, had paid 600,000*l.* There was a plan proposed, he said, by the ingenious Mr. Jeremy Bentham, to build penitentiary houses in a circular form, which would facilitate the inspection, and thereby rendering the strength of the walls less necessary, would take away the only objection to them, viz. the expense, by reducing it to 25*l.* per cent. less than the hulks. Thus, well-regulated prisons, calculated to reform offenders, and to convert the dissolute and idle into good and industrious subjects, would be provided at a cheaper rate than vessels in the Thames, in which, from the free and contagious in-

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tercourse of the convicts, the most dangerous combinations were formed, and instead of being, as they ought to be, schools for reformation, they might, with more propriety, be termed "schools for instructing youth in the arts of robbery. This observation applied still more forcibly to their treatment in the unimproved gaols, in which they were never allowed to work, and on board the ships during their passage to South Wales. Mr. Bentham proposed also a subordinate establishment, in which he would receive and employ such as could not find employment elsewhere, all those persons of blasted character, who, though acquitted for want of legal proof, were thought to be guilty, and those the terms of whose sentences were expired. This was an establishment, which to the disgrace of the country, had long been wanted, and which merited the warmest encouragement of government, as it tended to prevent crimes to which, he feared, many who now sought employment in vain were driven by necessity. Sir Charles next proceeded to state the mortality among the convicts during the voyage, and the expense. He said, the maintenance of each convict, during the two first years, cost the country 60*l.* a year, which was the salary of an exciseman. In speaking of the mortality, he stated, that out of 500 passengers on board the Neptune, but 42 were able to crawl over the ship's side; the rest were carried, and eight out of every ten died at Sidney Cove. The detail of the sufferings of these wretched convicts would be tedious and painful; suffice it to say, that by the depositions taken by the solicitor of the treasury, they were equal to any endured in the slave ships. That in another instance, out of 1,863 on board the Queen and other transports in autumn 1791, 576 on landing were sent to the hospital. Governor Phillip wished to punish the author of these calamities, but doubted his power over offences committed on the high seas. It was necessary, therefore, that an admiralty court should be established at Sydney Cove. Sir Charles concluded by moving the following Resolutions, on which he desired not an immediate decision, but left them for the consideration of gentlemen, and particularly of his majesty's ministers, to whom the care of felons, after conviction, devolved.

1. "That by the general improvement which has taken place in the gaols and bridewells throughout the kingdom, the punishment of convicts by imprisonment and hard labour on board of vessels in the river Thames and elsewhere, is rendered unnecessary, and ought to be discontinued.

2. "That the promiscuous confinement of felons under sentence in Newgate, and other gaols destined for accused persons only, and likewise on board of hulks for several months until ships are ready for their transportation, is impolitic, and productive of many evil consequences.

3. "That a proper prison should be provided for the reception of such felons immediately after their conviction, with working rooms for select companies, and separate apartments during the hours of rest.

4. "That the distance of the settlements at Sidney Cove and Norfolk Island, the length and peril of the voyage, the expence of conveying and maintaining the convicts when there, is so great, as to make it advisable to send thither only such as shall be sentenced to transportation during their lives, or at least for the term of fourteen years.

5. "That it is expedient, that inquiry should be made whether the North American States would be inclined to receive and employ, as heretofore, any, and what number of convicted felons; and also, whether a settlement might not be allotted to those under sentence of transportation for seven years in any other part of the North American continent, or the adjacent islands, or elsewhere, to which they might be sent at a moderate expense, where the soil is fertile, and where they might be usefully employed in the fisheries and commerce, and thereby contribute to their own support, and the advantage of this country.

6. "That to preserve those criminals who may hereafter be transported from a calamity similar to that which destroyed the greater part of the unfortunate crew of the Neptune, and to rescue them from the dangers of foul air and famine, it seems expedient to allow a space of at least two tons for each person; and that in addition to the salutary regulations proposed by Mr. Secretary Dundas, in his letter of June 23, 1791, to the commissioners of the Treasury, a premium should be given to the contractors, on the arrival of every felon in good health at the place of their destination; and likewise that all the provisions on board of the ships hired to carry convicts, should be purchased for the

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service of government, and the surplus, at the end of the voyage, be deposited in their storehouses."

Mr. *Martin* approved highly of the resolutions, which he hoped to see carried into effect.

Mr. *Dundas* complimented sir Charles on his intentions, and said, he would give every aid to carry such of the resolutions into effect as met his approbation. From the latest accounts from Norfolk island, he had every reason to believe that it would soon grow sufficient corn for the convicts and their families. He would therefore move, not for the purpose of getting rid of the question, but to consider the resolutions more maturely, that the debate be adjourned to that day three months, which was agreed to by the House.

Mr. Wharton's Motion respecting the Provisions made by Parliament at the Revolution in 1688, *&c,*] Mr. *Wharton* rose to make his promised motion. We heard, he said, on every side, of the glorious Revolution in 1688, and of the constitution, as settled at the glorious Revolution. It was a note which he had always listened to with pleasure, and he repeated it with rapture. But what was the rational foundation of our satisfaction at the recollection of the glorious Revolution? It assuredly was not that the possession of the throne, and the regular hereditary succession to it, were at that time disturbed and interrupted, It was not that we expelled one king and one family, and appointed another king and another family in their room. The necessity of such changes was at all times to be deplored; and the events themselves could only be justified by the necessity. The only rational foundation of our approbation of that Revolution must be, that at that time such principles were confirmed, and such wise and wholesome provisions made for our constitutional security and happiness, as might prevent all future necessity for a similar Revolution. Whoever approved of that Revolution, declared at the same time, that the constitutional provisions then obtained were wise and wholesome provisions; that they were worthy objects of a national struggle; that they not only justified resistance, but made it meritorious; and that they were cheaply purchased at the price of all the blood that was shed upon the occasion, as well as the dethronement of a guilty king, and the extirpation of his guiltless family. But an approbation of that revolution went still farther. It declared, that if, by any means—by force or by fraud, by violence, or by corruption—if these wholesome and necessary constitutional provisions should by any means be taken away or frustrated, the same objects would again justify the same national struggle, and the same extremities, unless they could be recovered and reobtained by more gentle, more peaceful, and therefore more happy means. He asserted (and said he risked nothing by the assertion, for no man would be hardy enough to deny it, and he pledged himself to prove it in a committee of the House), that all that was valuable to the people of this country, all the provisions which were stipulated to secure the peace and prosperity, the individual liberty, and the general property of the people of this land, had all been, since the Revolution, taken away. All.

He must intreat the attention of the House for a few moments, whilst he very briefly brought back to their recollection what this country established by the Revolution. First to avoid all future mistake, and that the contract between prince and people might be clearly understood, the Revolutionists began by altering the oaths of the contracting parties. They altered the coronation oath for all future sovereigns in this realm, and they altered the oath of allegiance for themselves and for all future subjects. They cut up by the roots the damnable doctrine of passive obedience and non-resistance, by emphatically specifying and ordaining the following words of their former oath, 1st Wm. and Mary, ch. 8, "I declare that it is not lawful, upon any pretence whatever to take arms against the king," &c. should not from thenceforth be required or enjoined. It was not so much to relieve the conscience of the subjects that these words of their former oath were selected, recited, and abolished; for no oath of slavery ever did, or ever will, or ever ought to bind a nation or an individual. It was something worse than perjury or sacrilege to keep an oath of slavery. This alteration was made to prevent the future sovereigns of this country from being misled, as the four preceding sovereigns had been, to trust to a senseless superstition about royalty, which, though many persons for their interests have professed, no man of common sense ever entertained.

Their next care was to provide for the

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due administration of the executive power, and the responsibility of its confidential advisers. They therefore enacted, 12th Wm. 3. chap. 2, that "all matters and things relating to the well-governing of this kingdom, which are cognizable in the privy council, by the laws and customs of this realm, shall be transacted there; and all resolutions taken thereupon shall be signed by such of the privy council as shall advise and consent to the same." Thereby guarding, as far as laws could guard, against that accursed engine of despotism, a cabinet council, or that more accursed instrument, an interior cabinet. Their attention was next directed to the double representation of the people; the only possible security for all their other provisions—their representatives in parliament, and their representatives in courts of justice—the House of Commons and juries. They passed over untouched, and left as they found them, the nobility and the church; they were considering the solid and substantial parts of the constitutional edifice, and did not much concern themselves about the gilding and the varnish. They therefore proceeded to establish the principle of a fair, free, and frequent election of the representatives of the Commons in parliament, as might be seen by a reference to the acts passed in the 1st, 2nd and 3rd years of William and Mary. And having thus, as they imagined, provided for the real election of the representative body in parliament, they secured the independence and integrity of that body after its election, by enacting, that "no person who has an office, or place of profit, under the king, or receives a pension from the crown, shall be capable of serving as a member of the House of Commons." 12th W. 3. ch. 2.

Having thus secured the purity and independence of the people's representatives in parliament, they proceeded to the other important branch of their representation by jury; and they decreed "that juries should be fairly taken, without partiality; and should act freely, without influence." 1st Wm. and Mary, ch. 2. They also decreed, that excessive bail should not be required; that excessive fines should not be imposed; and that illegal and cruel punishments should not be inflicted; and to secure these objects, they ordained, that thenceforward the judges commissions should be made, *quam diu se bene gesserint;* and that their salaries should be ascertained and established; in order to make the judges independent of the crown. 12th of William the Third, chap. 2.

Now, all these provisions (the objects and consequences of the glorious Revolution) would have no value; they would be nugatory and worthless; they would be a mockery: unless they went effectually to obtain and secure to the people of this land these three important points: first, an honest and responsible exercise of the executive authority: secondly, real, independent, and faithful representatives of the Commons in parliament: thirdly, a fair and impartial administration of justice in the courts of law. We had no predilection for any family whatever (except as connected with these objects), in the words of our ancestors at the time of the Revolution, did now again "Claim demand, and insist upon all those, as our undoubted rights; the true, ancient, and indubitable rights and liberties of this kingdom." 1st. Wm. and Mary, ch. 2. If then, by various means, it had happened (as he asserted, and undertook to prove in a committee of this House), that this provisional responsibility of the privy council no longer remains; that the election of the House of Commons is neither fair, nor free, nor frequent; that this provisional independence of its members is gone, and that the House at present swarms "with persons having offices and places of profit under the king, and receiving pensions from the crown;" that juries are not fairly and impartially taken; that they do not act freely and without influence; that excessive bail may be, and has been, required; that excessive fines may be, and have been, imposed; that illegal and cruel punishments may be, and have been, inflicted; that the judges are not independent of the crown; that pensions may, and have been, granted to some of them; and that lucrative offices may be, and have been, conferred upon others; by which means it cannot be said that their salaries are ascertained and established. If these facts were so, he held it to be the duty of all those who, without hypocrisy, praised the Revolution, to endeavour to return us again to our constitutional situation at that period, and to recover those lost or neglected provisions, that so we might effectually secure to ourselves and our posterity, what our ancestors endeavoured at the Revolution to secure to themselves and to us. He concluded with moving, "That a committee be appointed to inquire whether any, and

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which of the provisions made by parliament, in the reign of William and Mary, and in the reign of William the third, for securing the responsible exercise of the executive authority, for securing a real, independent, and faithful representation of the Commons in parliament; and for securing a fair and impartial administration of justice in the courts of law; whether any, and which of these have, by any means, been invalidated or taken away: and to consider whether any, and which of those lost or invalidated provisions may be fit to be re-enacted and restored, in order that the people of this land may recover that situation and security in which they were placed by the glorious Revolution of 1688."

The House divided:

Tellers.

YEAS	Mr. Wharton - - - Colonel Macleod - -	11
NOES	Captain Berkeley - - Mr. Henry Hobart -	71

So it passed in the negative.

Debate in the Commons on the State of the Impeachment against Mr. Hastings.] May 28. On the motion of Mr. Burke, a Committee was appointed to consider the State of the Impeachment against Mr. Hastings.

May 30. Mr. Charles Townshend made the following Report from the said Committee:

"Your Committee have made inquiry into the matter referred to them, and find, from a consideration of the defendant's case having been closed sooner than there was reason to expect, and of the time which will be requisite for printing such part of the evidence as is not yet printed, as well as for copying out the speeches of the counsel on the different charges, that the managers can, in no case, be sufficiently prepared to begin their reply at the time appointed by the Lords for further proceeding in the trial. That the managers, waiving their right to make a general opening (which they have informed your Committee they are ready to do for the sake of dispatch, though it is not otherwise the most desirable mode of conducting the cause) may be able to begin their reply on the Benares charge on the 12th of June, but that the necessary materials will not be ready, so as to enable the managers to reply on any of the other charges, till a considerable later period, probably not less than four or five weeks from this time."

Mr. Townshend then moved, "That a message be sent to the Lords, acquainting them with the reasons why this House cannot proceed on the trial of Warren Hastings, esq., at the time appointed; and to desire, that the same may be put off to a farther day."

Mr. *Wigley* opposed the motion, because, from the nature of the case, the managers could not stand in need of another week's delay to prepare themselves for a reply, on a subject with which they were so very intimately acquainted, particularly the right hon. gentleman (Mr. Burke) who was the soul of the impeachment. But if they could make any colourable pretence for delay respecting some of the charges, there was none for delaying their reply to the Benares charge, the defence to which had been closed by Mr. Hastings thirteen months ago. Here he stated the hardships suffered by the defendant in being kept so long upon his trial, a trial which had already lasted six years, and which had been protracted to so unexampled a length, principally by the managers, who had repeatedly offered evidence to the court, which had been repeatedly rejected. He said, that out of 116 days, which the Lords had sat during the present trial, 74 had been consumed by the managers, whilst Mr. Hastings had contrived to make his defence in 42.

Mr. *Fox* said, that the learned gentleman had opposed the motion upon fair ground, namely, upon the ground of delay; that delay he had pretty plainly imputed to the managers. The question, therefore, must be with regard to that learned gentleman's objections, whether the managers had been guilty of any unnecessary delay? First of all, he begged leave to declare, that to his knowledge there had not been, on the part of the managers, any delay whatever. He did not say that there had not been delay somewhere, nor that such delay might not have been necessary; all that he asserted was, that it did not proceed in any one instance from the managers. Supposing, therefore, for a moment that this was the case, which he promised he should be able to prove, he would then ask, whether there was a man in that House, or in the country, who knew any thing of the nature of this proceeding, who did not know that that

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which had taken up so much time already for evidence, did not also require great time for deliberation? On the part of the managers, much of the time had been taken up in reading the articles of charge, and the evidence to support them. Let them look also at the different mode adopted for the other side. On the part of the prosecution, the whole of the evidence, at the request of the defendant's council, was read at length. On the part of the defence, various parts of the evidence were entered as read, for the purpose of saving time, referring to volumes of evidence to be printed by the managers before they should proceed to reply. The managers might have insisted on the evidence for the defence being read at large, but, for the purpose of avoiding delay, they had consented to this expeditious mode.—But it had been said, that the managers had occasioned delay, by proposing questions which could not regularly be asked, that the opinion of the judges had been often given against them upon that occasion, and that they had offered evidence which was inadmissible. Upon this he must confess, that if there was any reproach to attach to the managers for such conduct, he was ambitious of having his share of it, and he claimed a great one. He should not now say any thing upon the opinions of those who thought the proceedings of the managers vexatious in that respect; but would be content with observing, that whatever their lordships might think upon the propriety of refusing evidence offered by the managers, he thought that the managers would have been highly reprehensible if they had neglected to tender it, and that the general ground for refusing to receive that evidence appeared to him ridiculous, and the argument upon it preposterous; for it was said, that although the evidence in itself might amount to something, yet it would not raise a degree of presumption in its favour to entitle it to admission, thus taking the weight of evidence as an argument against its competency; and with respect to the opinions of the judges, he could only say, that the managers never knew the principle on which they proceeded, as they always gave those opinions before the Lords, shut up in their chamber of parliament, to the absolute exclusion of strangers; consequently, from such opinions given in the dark, the managers had no rule for their guidance, and therefore they were obliged to persist in every question they put that might have been objected to by the defendant's counsel, not knowing what the judges would approve or what they would disapprove.—The next consideration was, upon the matter of fact, with respect to the time which the discussion of this impeachment had already taken up. It was said, it had lasted six years. It had so. But how many days had been employed in that period? Only 116. In one year only 20 days had been allowed. If the Lords required any extraordinary diligence from the managers, their lordships, from the example they gave, did not require that diligence with a very extraordinary good grace.. The managers, however, did not wish to be extravagant; for they asked only for a week, upon important ground, for proceeding upon this trial, although the Lords had taken months for themselves without condescending to assign any ground whatever. How stood the case with respect to speeches before the Lords upon this trial? Upon the Benares charge, which he had the honour of opening, he spoke only one day, and an hon. friend of his another day. Two days were consumed in speeches from the managers on this point; eight were taken up by the counsel for the defendant in answering them. He did not say that the counsel took up too much time; he dared say it was too little for the business they undertook; but he mentioned this to show how the truth was with regard to the question of delay.—Another thing was to be noticed upon this trial, and it arose out of the circumstances of its commencement. When the lords said to the managers that they should not ask for judgment charge after charge separately, but that Mr. Hastings should hear the whole of the charges to be exhibited against him before he should be called upon to make a defence to any,—why was this rule not to be followed with respect to the managers in making their reply to the defence of Mr. Hastings? Why was one rule to be followed by the defendant, and another to be marked out for the prosecutors? For, according to the mode allowed Mr. Hastings for his defence, the managers ought to have time to peruse the whole of the defence before they proceed to reply to it. And, if the counsel for the defendant required time to answer the speeches of the managers and to rebut the evidence called for the prosecution, why was there not to be time for the reply in the same man-

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ner? He would go farther, and say, that even if he had known a good while ago that the defence would have been closed at the time it was, he was then entitled to think and expect from the conduct of the Lords, upon former stages of this trial, that they would not have called upon the managers for their reply till the next session of parliament. How stood facts upon this point? On the 14th of February, 1791, the Commons sent a message to the Lords, importing that they were ready to proceed upon this trial. What were their lordships pleased to do? Not a word was heard from them until the 17th of May, and then, it might be supposed, they made up by their activity for their past neglect. How stood the fact? How many days did their lordships allow the managers to proceed upon this trial in the whole of that year? Only four; and on the 30th of May their lordships diligence closed for the session. Did they then tell Mr. Hastings, that he must make his defence to what had been exhibited against him in a week, as they called upon the managers to reply? Nothing like it; for they allowed him till the next year to prepare it. Was there one law for Mr. Hastings, and another for the managers? He confessed, that upon every view he had of the subject, and from the conduct of the Lords, he fully expected that they would not have called upon the managers for their reply until the next session.—Another part of the business had been alluded to by the learned gentleman, which was, that Mr. Hastings had been obliged to request his friends to come down to the House on the day of trial in time to form a House, to prevent delay that must otherwise have happened. Upon this he must say, that there might, out of the 116 days which had been taken up in this trial, be three or four on which the Lords might have waited for the Commons for, perhaps, the space of half an hour. This, he presumed, was not very disgraceful to the managers, nor very extraordinary, for on some days the chancellor did not come before three o'clock in the afternoon, frequently at one, and if he should by accident, without any intimation to the managers, be in the hall at twelve, it was not very surprising that the managers, were not in court much before one o'clock.—It seemed, however, that now Mr. Hastings called for expedition in the course of this trial, in hopes of having final judgment this session. Had any body possessed of the least knowledge of the subject, the most distant idea that final judgment could be obtained in this mighty business this session? If there was, he confessed himself bound to admire his candour, and his confidence in the diligence of the Lords.—It was pretended that the managers must know, or might have known, the whole of the evidence long ago, for that the whole of it might have been printed. To which he answered, that was impossible; for a great part of the evidence on the part of the defence had not, by the express desire of the defendant's counsel, been heard as yet by any body in that court, having been carried on from page to page, and entered upon the trial as read, to be printed hereafter; and even this could not be ready for their lordships before the very day on which they had called upon the managers to appear in Westminister-hall to rebut it. And how could the managers do justice to that House, to themselves, and to the public, under such singular circumstances, if they were to comment upon evidence which they had never heard? With regard to the speeches of the counsel for the defendant, he confessed himself unable to reply to them also, without time to read them from the transcript of the short-hand notes taken at the trial; for under the idea of being allowed to have that advantage, he had waved the thought of taking full notes himself. Was it, therefore, fit that the managers should now be called upon to reply in this situation? Were they to comment upon 206 pages of evidence which they had not, and which they could not have read? Were they to reply to speeches which took up altogether nearly twenty-four hours to deliver without reading them, and weighing the arguments contained in them? He confessed himself unable to do so in less than a fortnight; more he did not require.—There was another point which he had hinted at before, which was, that it was possible that evidence would be produced in reply, and yet gentlemen persisted in saying, that the managers ought to go on without farther time, before they had seen all the evidence on the part of the defence. How was it possible to know what the evidence, which had been entered as read, might turn out to be? When gentlemen came to consider these points properly, he hoped the time the managers asked would not appear too much, and that they were not guilty of delay on their part in taking it;

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if allowed. He was glad this debate had taken place, because it had afforded him an opportunity of proving that no delay was imputable to the managers.

Mr. *Burke* said, that the managers never thought of speaking from their own notes, which must be very imperfectly taken, when there was a person employed by the House for taking down in short hand every thing that was said. The managers were willing to do whatever they could; and more was not to be expected from them. He was convinced that neither Mr. Hastings's counsel, nor any man upon earth, would undertake to reply from his own notes, to the astonishingly able speech made by his hon. friend (Mr. Sheridan) on the article respecting the begums. The volume of evidence given in the course of the trial was immense, and the abilities of learned men were employed by the managers in arranging, methodising, and digesting it, without which neither the managers, nor the Lords themselves who were to decide upon it, could understand it. The Lords therefore ought not to expect the managers to do what they themselves were not equal to. It was said, when great monarchs issued any improper decree, that "their conscience had been surprised" the same might be said of the Lords, when they directed that the trial should be resumed so soon as the 5th of June: their conscience had been taken by surprise, or by storm, just as Heaven was stormed, by prayers and entreaties; but it was the duty of the Commons to take care that national justice did not suffer through any act of the upper House: the judicial character of the Lords must for the sake of the constitution be preserved; to be preserved, it must be respected; and it was the business of the Commons to see that it was respected; the constitution rested upon two pillars—one, the right of the Commons to hold the purse of the nation, and to take care that the Lords did not in any degree trench upon that right by modifying money bills. The other was the right of the Commons to impeach a right which they were bound to maintain, and not suffer any thing to be done by the Lords, or by any other set of men, which might weaken or evade it.

Mr. *Burton* insisted, that there were two things which every subject might claim as his birth-right, that justice should be administered, and that it should be administered speedily. In the present impeachment, Mr. Hastings could not be said to enjoy the benefit of that right; for he was made the subject of a prosecution of unexampled length; to him justice certainly was not administered in mercy. The delay that was now required would be an additional hardship upon him; and if the managers were to require a fortnight's preparation for each charge, it was easy to see the trial could not end this session.

Mr. *Pitt* bore honourable testimony to the conduct of the managers, and maintained that they ought to be supported by the House. He thougt the time proposed beyond the day appointed by the Lords by no means too much. The character of the House, and the honour of the nation, were involved in this proceeding, and he was clearly of opinion that they should avoid precipitation as much as they should fear the imputation of delay.

The House divided: Yeas, 87; Noes, 42.

Mr. *Burke* then took notice of the impropriety of suffering false impressions to be made upon the public mind respecting this trial, through the medium of certain prostituted channels, and by means of insinuations thrown out in that House, and at another place, that delay had been the object of the managers. He reminded the House of what was due to their own dignity, to the character of the managers, to the honour of the British nation, and the regard they ought to have for the opinion of posterity, and moved, "That the managers of the impeachment against Warren Hastings, esq., do prepare and lay before the House, a statement of the proceedings on the trial of the said impeachment, together with an account of the circumstances which have occurred in the course of the said trial, with such observations as may tend to the explanation of the same."

Mr. *Long* objected to the taking up the time of the managers in this way.

Mr. *Wigley* moved the previous question.

Mr. *Sheridan* ridiculed the idea of there not being time for the purpose, and observed, that the managers had several hands unemployed at this time, and indeed, that he was unemployed himself, and should be so with regard to this impeachment until the speeches and the evidence alluded to in the course of this

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day should be printed; for he should not begin to think what he should say in reply before he knew what he was to reply to.

Mr. *Francis* would offer but one short observation on the violent opposition made to the motion. The fact, he trusted, would make a proper impression on the House and on the public. On every other occasion that had offered, both within doors and abroad, a certain set of men had made it their constant business to load the managers with the basest accusations, with a view of persuading the public that they had purposely protracted the trial, to the vexation and oppression of Mr. Hastings, and to the disgrace of public justice. But now, what was the conduct of the same persons, when his right hon. friend came forward, and offered to lay a state of the facts before the House, and before the nation? Instead of meeting him fairly on the truth of their own charges, they turned short upon him, and said, they would hear nothing of facts: they would not suffer him to clear himself and his fellow managers from their malicious calumnies. They could abuse and calumniate; but, when they were challenged to a fair trial, they shrunk like cowards, and fled from the proof. What farther proof could the House or the nation desire, that every word these persons had uttered on the subject was utterly false, and incapable of being supported. Let this fact go forth to the world with all the rest of their proceedings.

Mr. *Pitt* saw no parliamentary ground upon which that House should call upon the managers to give a formal account of their conduct, and therefore the motion appeared to him to be needless. If any complaint had been made against them, the House should vindicate their character; but that not being the case, he owned he wished the House not to proceed to a step so unusual as that involved in the present motion; he therefore wished he could prevail on the right hon. gentleman to withdraw it.

Mr. *Burke* appealed to the justice of the House to vindicate his character against the gross calumnies with which it was loaded, and expressed great indignation at the manner these calumnies had been suffered to pass without proper notice. He concluded with leaving the case entirely to the sense and pleasure of the House.

Mr. *Dundas* recommended withdrawing the motion for the present as a matter of prudence, because it might lead to a dispute with the Lords, a circumstance most carefully to be guarded against by all who wished to see the impeachment brought to an honourable conclusion. At the same time, he felt that the managers were entitled to the protection of the House, and if they should think it expedient to press the motion, he should vote for it.

Mr. *Fox* admitted, that there might be grounds of prudence for withdrawing the motion, which his right hon. friend would consider; but the objection that there was nothing in a parliamentary form before the House, to induce them to call for such an account from the managers, was not well founded, for whatever was said in court by Mr. Hastings or his counsel, was regularly before the House.

Mr. *Burke* said, he would be induced to do much from motives of prudence, but prudence and policy called upon him to persist in his motion. Whoever in trust for public business, sacrificed his reputation, sacrificed the business with which he was entrusted. The managers had borne with many things to avoid a dispute with the Lords, which under different circumstances, they would not have borne; but they could do so no longer, without betraying their duty, and the honour of the House, whose delegates they were. Could the Lords imagine, that the House of Commons, by justifying themselves, did an injury to them, unless they had set up an interest of their own, in opposition to that of the House of Commons? If they have done so (said he) there is an end of us both to any useful purpose. *Si collidimur frangimur.* If the Lords decide this cause on feeling, not on justice, depend upon it we are gone. It is the last of the kind that will ever come before that tribunal, on which rests the main security of our constitution. I call upon you, as you prize your honour, as you value that constitution, to vindicate your character, by affording the managers an opportunity of refuting the charges made against them if they can, or by punishing them if they cannot, or, so help me God, I believe this will be the last impeachment you will ever prefer.

Mr. *Windham* said, there was neither prudence nor policy in submitting to ill usage beyond a certain point—that point was already passed—least of all to aban-

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don their character to the most injurious misrepresentations, when to vindicate it required only a plain statement of facts.

The previous question being put, that that question be now put, the House divided:

Tellers.

YEAS	Mr. M. A Taylor - - Mr. Lambton - - -	69
NOES	Mr. Hyde East - - Mr. Sumner - - -	69

And the members being equal,

Mr. *Speaker* said, that, as the original motion appeared to have been made in conformity to the wishes of the managers appointed to conduct the impeachment against Mr. Hastings, he thought it entitled, in a peculiar degree, to the attention of the House. In consequence of some observations which had been made with respect to the proceedings on the trial, they had desired permission to lay before the House an account of those proceedings, together with such remarks as they might judge necessary to explain them: he concurred with those who were of opinion that such a request should be complied with, particularly as in the conduct of the managers, the honour of the House was materially involved. That whilst the managers enjoyed the confidence of the House in their present arduous and important trust, they might justly consider themselves as entitled to its protection and support, and they might therefore reasonably hope for the concurrence of the House in a motion, the immediate object of which was to state all the circumstances of the trial, upon which alone a proper judgment could be formed of their conduct in the course of it; and therefore he declared himself with the yeas.

So it was resolved in the affirmative. Then the question being put, "That the managers of the impeachment against Warren Hastings, esq., do prepare, and lay before the House, a statement of the proceedings on the trial of the said impeachment, together with an account of the circumstances which have occurred in the course of the said trial, with such observations as may tend to the explanation of the same;" the House divided:

Tellers.

YEAS	Mr. Whitbread - - - Mr. John Smyth - -	67
NOES	Mr. Jenkinson - - - Mr. Sargent - - - -	71

So it passed in the negative.

Mr. *Burke* lamented the fate of the motion, but said that the managers had done their duty in bringing it forward, and though the House had now thought proper to reject it, a similar proposition might perhaps be more successful on a future occasion under better auspices.

June 6. Mr. *Grey* said, that the motion which he should have the honour to make would, he trusted, meet with the general concurrence of the House. In his opinion, the managers of the impeachment against Mr. Hastings ought not to be placed in the situation in which they stood at present, and he thought it was a duty they owed to themselves, to do every thing in their power to remove the odium which had been industriously cast upon them in consequence of the delay of the present trial; and yet they must not, under the fear of the imputation of delay, proceed hastily, and sacrifice the great duty of their station. Did gentlemen think the managers could derive much amusement from such delay? He wished such gentlemen, if any such there were, would take upon themselves the task of reading some of the papers which belonged to this trial, and which he had been compelled to attend to for six hours a day, and then he believed they would not consider the business as a matter of amusement. He maintained that no advantage whatever could be derived from proceeding at the time required upon one part of this great trial, unless Mr. Hastings wished that the cause should be puzzled and perplexed, and the evidence and arguments obscured, from the length of time between the reply upon one charge, and the final judgment upon the whole together. But upon the question of delay, he should distinctly state the reasons why it took place; by which it would appear, beyond a doubt, that the managers had no share in creating it. Here Mr. Grey entered into a history of the trial, stating that the managers had done every thing in their power to accelerate the progress of it, and that they were brought into this dilemma by the sudden close of the evidence on the part of the defence, and the short notice which the Lords were pleased to give for the managers to prepare a reply on the charge of Benares, and upon this he must submit to the House two considerations: first, that by being thus suddenly called upon to make a reply before

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it was possible for them to be prepared for it, the cause on the part of the prosecution must be materially injured: secondly, that on the part of Mr. Hastings no honourable advantage could be gained, because final judgment could not be thereby accelerated. These points he illustrated by showing what connexion the charge of Benares had with the other charges, and the impossibility that the Lords themselves could be able to understand the case, even if the managers were able to reply in the present session, because much of the evidence was yet unprinted. It would therefore be injurious to the honour of Mr. Hastings, as well as prejudicial to the prosecution, that this business should be hurried on, as proposed by their Lordships; besides, by this mode of proceeding, they would deprive the managers of the privilege of a general reply upon the whole case, to which they were certainly entitled. Now, if it was necessary for Mr. Hastings to be in possession of all the evidence on the part of the prosecution, before he began his defence, was it not equally necessary that the managers should be in possession of all the evidence on the part of the defence before they began to reply? He therefore submitted to the House, whether the Lords could in justice, in candour, or in fairness expect the managers to proceed upon their reply under all these circumstances at the time appointed. But the disadvantages did not stop here; for he readily confessed that he was not, nor could he be able to proceed to the reply at the time appointed by the Lords, by any diligence which could be used; and therefore that part of the case must be defective until the next session, and then the defect must be supplied by those who should follow him in the reply upon the other charges: so that the final judgment would not be accelerated a single day from this haste, but on the contrary was likely to be retarded. He wished gentlemen to reflect on the lateness of the session, and then see what good could be produced by proceeding now upon any part of this trial. He concluded with moving, "That a message be sent to the Lords to acquaint their lordships, that the House of Commons, taking into consideration the state of the impeachment now depending against Warren Hastings, esq., together with the advanced period of the session, are convinced that it is not only impossible to obtain judgment on their several charges, but to complete their reply to the defence on more than one principal head thereof, and even that with great inconvenience; and being of opinion that it would be prejudicial to the cause of justice, in any point of view, that the course of the reply should be broken, and the attention of the court divided on the matter of the said impeachment, the whole of which their lordships have considered as one cause, they desire the Lords to postpone any further proceedings on the same till the next session of parliament, when the Commons will be ready and desirous to attend from day to day, if their lordships think fit to make good their charges."

Mr. *Wigley* opposed the motion, as tending to create delay.

Mr. *Law* opposed it also, and observed that the delay of this trial was a great vexation to the defendant. The cause had lasted six years; he knew that in these years only 120 days had been allowed. He did not say that any party was to be accused particularly of delay; each should take his share, but he thought that no farther delay should take place if the House had the power to prevent it. He saw a good reason for proceeding this session as far as the managers could; perhaps it would accelerate the decision a quarter of a year, and that was a great consideration to Mr. Hastings, in his present situation. The delay of his trial he was sure was such as the people of this country were generally displeased with, and was contrary to the principles of our constitution.

Mr. *Cawthorne* opposed the motion, as a measure of unnecessary delay.

Mr. *Sheridan* maintained it to be impossible to do justice to the cause by coming to a reply in the present session. He maintained that there was not the smallest colour for charging the managers with delay, and verily believed, that proceeding to a reply as the Lords proposed, would not hasten the conclusion of the trial a single hour.

Mr. Secretary *Dundas* saw not the least injustice or hardship which the defendant would sustain, by the carrying of this motion. Was it supposed by any body, that final judgment would be delayed in the cause by it? On the contrary, he was satisfied, so far from protracting the trial, that in the end it would shorten it. If the managers proceeded to reply in the present session, as proposed by the

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Lords, he was clearly of opinion it would be neither more nor less than wasting so many days as they should be employed for the present session. As to delay, the managers were not chargeable with it, nor was that House chargeable. He had no difficulty in stating the delay to have been with the Lords; they met at too late an hour in the day; adjourned for too long a period; had been too scrupulous about the attendance of the judges from time to time, when in point of fact they had no occasion for the assistance of the judges; thus they lost every year all the time of the assizes. What reason could there be for this? Had their lordships not legal ability enough within the walls of their own chambers? Had they not lord Thurlow, the then chief justice of the Common Pleas, lord Bathurst, and a noble earl (Stanhope), who had undertaken to teach the law lords law in the House of Peers? To be serious, he thought their lordships might have decided many points, without the assistance of the judges; and by adjourning to their own chamber upon all these points, the parade of the thing wasted the time that ought to have been employed in transacting the real business of the trial. He was convinced, that had they attended in the morning, and taken six hours each day of sitting, the trial would have been over in the first session, or early in the beginning of the second. He thought it his duty to say this, in order that there should not be a false impression made upon the public. Let the imputation of delay rest where it ought to be, with the Lords; for he had no idea, as one of the members of that House, to take blame where he did not deserve it.

Mr. *Ryder* found it impossible to accede to the motion for a delay till next session, particularly as he could not agree in one of the reasons given in the motion for that delay. He agreed that much of the delay was imputable to the Lords; but this made him the more averse to the least appearance of delay on the part of that House.

The House divided:

Tellers.

Yeas	Mr. Grey - - - -	}	61
	Mr. Windham - - -		
Noes	Mr. Law - - - -	}	66
	Mr. Wigley - - -		

So it passed in the negative.

Mr. *Burke* said, that after the extraordinary proceedings of the House, he thought himself bound to give notice, that to-morrow he should bring forward a motion, which appeared to him to be necessary for the justice and honour of that House.

June 7. Mr. *Grey* rose to call the attention of the House to a subject, which appeared to him of considerable importance, and with regard to which he thought it would be impossible for him to act without the advice and direction of that House. The very great and important duty which devolved upon the managers of the impeachment against Mr. Hastings, had become infinitely more difficult since the vote of that House last night. If he had acted according to his own feelings upon that occasion, he should have solicited the House to withdraw his name from the list of the managers. In the vote he had alluded to, he was placed in a situation in which he could not perform what might be said to be his duty, in a manner that would be of advantage to the public. If the House were pleased to impose a task upon their managers, it should follow, as a necessary consequence, that the House should support them in the execution of that duty. If the House thought, that, from the conduct of the managers upon this impeachment, it had been brought into such a situation, that it could be no longer carried on with honour to that House, it would become the House at once to say so, and to put an end to it by an immediate vote, and then proceed to censure the managers for their conduct. If circumstances had arisen that induced the House to be of opinion that the conduct of the managers had been in any degree improper, it should in a manly manner declare that to be the case; at any rate, it could not be proper for the House to send their managers to the bar of the Lords to conduct a difficult and important business, which the House, in fact, wished to get rid of, not by a vote, but by an indirect mode of thwarting them in some points, and abandoning them in others. This was what he wished not to be the case; and he felt it heavy upon him from the recent proceedings of the House. Upon these grounds, he should have felt himself warranted to say, that the duty, as it now stood, was such as he was not able to perform, and therefore he should pray of the House to dismiss him from a situation in which he could not act with propriety;

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undoubtedly that would be his wish, and he should retire from the business, if the House were pleased to signify their consent to it. At the same time, it would be with regret that he should leave those with whom he had engaged in this great and important trial: he must confess, it would be a subject of very deep regret to leave them at all, but much more at the present moment, and in the present situation. However, he could not help it, and he must consider what he owed to himself on the present occasion; and feeling himself unable to appear at the bar of the Lords to proceed upon the trial on the day appointed, as a manager of the Commons of Great Britain, to reply upon the charge now before their lordships for determination, he must desire the House to dismiss him, or to give him such directions for his conduct, by which he might be enabled to proceed in the discharge of a task to which he was not at present competent.

Mr. *Burke* wished some gentleman to express their sentiments upon this subject, by which the managers might be guided. A great deal had been urged on the ground of compassion to the accused. This was certainly an unusual mode of conducting a criminal charge, on the part of those who yet pretended to favour the prosecution. It arose from a flimsy, prevaricating, petty, peevish morality, that was incompatible with the dignity of public justice. It was a base and scandalous language, that should be disdained by that House, when in the exercise of its accusatorial functions. The subject of this trial had been attempted to be converted into a subject of mirth, as well as made the theme of compassion for the accused. These things were improper and inconsistent. There never was any thing so dull as insipid mirth, nor any thing so immoral as perverted morality. We heard complaint and appeals to compassion on the part of a man who said he dreaded he should be a beggar, and who had been in India fourteen years, enjoying in salaries and emoluments the sum of 40,000*l.* a year. We heard these things without horror and astonishment. We heard a man appeal to compassion for fear of his being reduced to beggary, when he himself had caused two unfortunate women to be robbed of one million of money——

Mr. *Rolle* called to order. He did not see that the right hon. gentleman was in order; there was no question before the House

The *Speaker* said, that the subject now before the House was such as would not, in his opinion, admit of any loss of time. The hon. manager in his application to the House, intreated their directions as to the step he was to take upon the subject of the impeachment against Mr. Hastings. The House of Peers had already adjourned over till to-morrow, and therefore could have no power to proceed upon any thing on that day. What proceeding they could institute, the House would be under the necessity of immediately deciding, in order to direct the hon. manager. A message might be sent to the Lords, perhaps to defer the farther proceeding on the trial for a day or two, as the case was urgent. It was possible that the Lords might then be sitting. A motion might be made immediately in that House, and a message might be sent to the Lords, while they were sitting, to desire they would continue to sit for a short time, in order to receive a message from that House. It was not an unusual thing, in the case of an impeachment, to require the Lords to sit for some time longer. Under these circumstances, he begged Mr. Burke to abstain from any observations upon the general question at the present moment. If it was the pleasure of the House to send the message he suggested to the Lords, the House might then have time to determine upon another message to the Lords, and it would then be to be determined whether they should require that the trial should be put off to a future day. If the Lords should be adjourned, it would then be for the House to consider whether they could direct their managers to proceed on the day appointed, and then intreat the Lords at the bar to put off the trial to a future day; and afterwards to send a message to the Lords to induce them to put off the trial still farther. This appeared to him to be the regular mode of proceeding; but he must observe that the subject was such as to require an immediate determination.

Mr. Burke acquiesced in the recommendation from the Chair. It was then whispered that the Lords were adjourned. Upon which, the Speaker said, that although the Lords had adjourned to-day, they would be in their own chamber in the morning before they came to Westminster-hall, and a message might be delivered to them then, and the message might be agreed upon this evening, and might be carried to the Lords, although the Commons should not be sitting at that time.

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Mr. *Dundas* said, that he should not feel himself encouraged to expect, that any suggestion from him would induce the mind of the House to differ from the opinion they had expressed yesterday. But he should now make another experiment, and move that a message be sent to the Lords to request farther time. He then moved, "That a message be sent to the Lords, to acquaint their lordships, that the members of this House, appointed to manage the impeachment against Warren Hastings, esq. will be unable to proceed on Monday next in their reply to the defence of the said Warren Hastings, esq. and therefore to desire that their lordships will allow further time for that purpose."

Sir John Ingleby moved the standing order of the House that strangers should withdraw. Strangers withdrew accordingly. After a debate of considerable length, the House divided on Mr. Dundas's motion:

TELLERS

YEAS	Mr. Secretary Dundas Mr. Anstruther	82
NOES	Mr. Rolle Mr. Cawthorne	46

So it was resolved in the affirmative; and lord Carysfort was ordered to carry the said message to the Lords.

June 10. The Lords took the message into consideration, and agreed to proceed in the trial on the second Tuesday in the next session of parliament.

Mr. Whitbread's Complaint of a Libel on the Managers of the Impeachment against Mr. Hastings]. June 12. Mr. *Whitbread* called the attention of the House to a newspaper, called "The World," dated the 27th of May, containing a scandalous reflection on the managers appointed by that House to conduct the impeachment against Mr. Hastings. It was there stated, that a right reverend prelate (the Archbishop of York) had said "that it was "impossible for him to sit silent, to listen "to the illiberal conduct of the managers, that they examined a witness as if he "was not a witness, but a pickpocket; "and that if Marat or Robespierre were "there, they could not conduct the im"peachment in a more scandalous manner," &c. This was highly indecorous, and an insult not only on the managers, but also on the House of Commons itself; and they could not expect the House to think highly of them, if they did not vindicate their own dignity, and take such steps as might lead to the punishment of the propagators of such scandalous calumny. He could have wished to have confined his motion to the person who uttered the words; but he found that to be impossible, and that he must move for the prosecution of the printer of the paper in which they were reported. Indeed, the printer had thought fit to make comments on these words, and these comments were such as tended to justify the language. Here Mr. Whitbread read the comments, and contended that the House ought to take the matter up seriously, both with regard to the printer and the right reverend prelate; the one for the comments, and the other for uttering the words. That the archbishop had made use of very scandalous expressions, he could prove; for he had been at the pains of procuring a transcript from the short-hand writer's notes taken at the trial. They stated, that after the examination by Mr. Burke, of a witness on the 25th of May, the archbishop had said, "Upon my word, my lords, this proceeding is intolerable; the gentleman at your bar is treated like a pickpocket; and if Marat or Robespierre were in the box, they could not conduct themselves in a more improper manner than I have often witnessed in the course of this trial." This was the substance of what the right reverend prelate had said. Mr. Whitbread then expatiated on the impropriety and indecency of these expressions, and called upon the House to support the managers and their own dignity. He should propose to address his majesty, praying that the attorney-general might be directed to prosecute the printer of this paper, and then to institute an inquiry, in form, whether the words alluded to had been uttered, when, where, and by whom.

The *Speaker* suggested the propriety of following precedent upon this occcasion, and referred to the Journals of the 16th of June, 1789,* where a prosecution had been instituted against the printer of The World for scandalous reflections upon the House of Commons.

The Journals being read, and the paper now in question delivered in and read, Mr. Whitbread moved, "That the said paragraphs contain matter of a scandalous and libellous nature, reflecting on the conduct of the members appointed by this House to manage the impeachment against Warren Hastings, esq.

* See Vol. 28, p. 168.

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Mr. *Francis* said, he rose to second the motion, and support it by a single observation, suggested, perhaps, by resentment for the wounded honour of the House, and of a particular friend, but leading, as he thought, to reflections materially connected with the present subject. Ever since I have been concerned in the transaction of public affairs, or indeed of any other, it has been my endeavour and practice, taught me, perhaps by instruction and certainly confirmed by habit, to turn every thing I read, or hear, or see, or observe in the transactions of life, to the improvement of my judgment, or to the direction of my conduct. But I do solemnly declare, that since I have had any knowledge of history, or any acquaintance with human affairs, I never yet received such a prudential lesson, as that which is conveyed to me, and to all men, through the medium of my right hon. friend (Mr. Burke), by the fact which is now brought before you. It is not my intention to enter into the praise or blame of any thing that has been said or done by my right hon. friend, much less to insist upon the eminence of his abilities, the extent of his knowledge, or the persevering application of his faculties, to every subject that engages his attention The extraordinary endowments of his mind are too well known to require or admit of illustration, by any thing I could say of him. But there is one part of his personal character which I must take notice of, because it immediately concerns my present purpose. It is the well-known character of my right hon. friend, that in whatever he undertakes he does nothing by halves, but every thing with force and vehemence, and even in matters of less importance as the Italians call it, *con amore*. He may be right or he may be wrong; but he is always in earnest. *Quodcunque vult valde vult*. There is nothing like double dealing, or hypocrisy, or prevarication in his character. Whenever he takes part, he goes the full length of his opinion. You know the worst or the best of him. On one particular subject, we all remember with what zeal and ardour he declared himself. Never, never since ranks and gradations have existed in society, has there appeared in the world an advocate so able, a champion so determined, in the cause of the upper orders in our constitution, as my right hon. friend. He is a powerful advocate wherever he takes part. If ever there was a useful and ardent defender of nobility, of prelacy, of hierarchy, it is he. Now mark the return he receives. A right reverend prelate, a pious archbishop, a judge in the seat of judgment, a spiritual lord of parliament, in the face of Europe and of the world, compares my right hon. friend to two of the most abandoned and desperate ruffians that ever disgraced the cause of democracy—to Marat and Robespierre; and declares, that my right hon. friend is not a bit better than either of them. Sir, he was a wise man who said, "Put not your trust in princes." But, after this astonishing example, I think that man must be infatuated, must be a fool indeed, who shall hereafter put his trust in bishops.

Mr. Secretary *Dundas* said, that when men, supposed to be under the guidance of reason and judgment in an eminent degree, yielded to the heat of their passions, and said improper things, it only proved that they had the frailties of other men, and ought to acknowledge it. He confessed that when he came to the circumstances of the present case, difficulties occurred to him as to the manner in which the House should or could proceed. He had no hesitation in saying, that the managers of the impeachment ought to have the protection of the House; and he was glad to learn that Mr. Burke, who was in the box when these unhandsome expressions were uttered, had behaved with such moderation as he did; his conduct was very noble; he had put on as it were, a deafness upon the occasion, which formed an admirable contrast with the intemperance of the other party. But although this was his opinion, yet he did not know how the House could, consistently with its dignity proceed; they had no authentic mode by which they could make it appear upon their records that the words were uttered. This complaint should have been made instantly if at all. Supposing that House should complain to the other of these words being spoken, the court before which the trial was depending had adjourned for several months; and therefore no proceeding of any kind at this time could be had from that court. With regard to the paper upon the table, the House might direct a prosecution against the printer; and then were they sure the jury would convict? If they should acquit the prisoner, the dignity of the House was so far lessened, because it would appear that they were more jealous of their honour than a jury of the country thought they ought to be. This had happened before,

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and no friend to that House would wish to see it again. However, he went no farther than to doubt upon the subject, and if any hon. member should point out how the House could regularly proceed to a safe point in vindication of its honour and in support of its managers, he should be ready to withdraw all his objections. But he confessed, as the whole case appeared to him, the best thing the House could do at present was to take no farther notice, and therefore he should move that the House do now adjourn. Perhaps the present discussion might have a good effect. He dared say the right reverend prelate heartily wished he had never uttered the words in question, and the right hon. manager gained satisfaction for the insult by contemplating on the advantage he had over his adversary in the great contrast of their behaviour. He then moved, "That the House do now adjourn."

Mr. *Windham* said, he felt as strongly as any man the extreme outrage that was committed by speaking the words alluded to, but he felt a doubt in his own mind whether the purpose to be wished would be gained by the present measure. He concurred in trusting that the offensive words uttered had been followed up by a proper reflection in the mind of the speaker. He agreed also, that the contrast between the interference of the archbishop, and the calm, manly dignity of the right hon. manager, was highly to the advantage of the latter, particularly when it was considered by whom the words were uttered, to whom they were addressed, and the dignified mode in which they were received. Taken altogether, the matter must be a source of satisfaction to the feelings of his right hon. friend; and upon that view of the subject, he felt no difficulty in acquiescing in the motion for adjournment. With respect to the printer, he was of opinion that the comments contained in the paper alluded to were as scandalous as need be; but then the printer stood in a situation which although it did not lessen his criminality, yet made it perhaps unadviseable to pursue him, for he was much less criminal than the person who uttered the expressions; and it would appear awkward before the public, that the House should prosecute the lesser offender at a time when they were compelled to suffer the greater to remain unmolested; it would look like punishing an accessary, and forgiving the principal. These appeared to him to be difficulties, but they were not points upon which he had entirely made up his mind; they appeared to him to furnish an apology for an adjournment. However, he felt so strongly the necessity of supporting the managers that if the hon. gentleman who made the first motion should think fit to persist in it, he should vote with him, though he could wish for an adjournment.

Mr. *Burke* said, it was not his intention when he came into the House to take any part in the present question. The hon. mover would do him the justice to say, that it was not at his desire, but in obedience to the impulse of his own feelings, that he had brought forward the business. He had two motives for rising at present; one was to say, that after what had passed in the court of King's-bench, on the trial of Stockdale, he never would consent to order another prosecution in that court for any libel upon the House of Commons. The House was constitutionally empowered to punish by attachment every breach of its own privileges, and ought never to suffer that power to be taken out of its own hands, nor delegate the exercise of it to any court whatever. The other was, to declare that the ends of justice must necessarily be defeated, if, whilst a public prosecution was depending in a court of law competent to decide upon it, another tribunal was suffered to be erected in a newspaper, to try the prosecutors, mislead the judgment of the nation, and poison the public mind against those who were labouring to bring offenders to justice. He expressed the pleasure it gave him to find that the forbearance which marked his conduct when the words complained of were used, appeared to meet the approbation of the House. Forbearance, he said, was a virtue which he hoped he should always be able to practise, when he himself was alone concerned; but when the injuries which were to be avenged, had been sustained by others, when he had to plead the cause of oppressed millions against their oppressors, he trusted he never should show the smallest degree of forbearance; but that he should be found to give full scope to the passions and resentments which belong to the prosecutors of wrongs done to the public. Such passions and resentments were held in trust for great public purposes; and for these, but for no other, would he ever suffer them to sway. Against the right reverend prelate in question, he had not the least personal re-

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sentment, on the contrary he could find excuses for him in his age, and in the impatience generally attendant upon it. As to the advice given him by an hon. friend not to put his trust in princes or bishops, he would assure his hon. friend, that he never would put trust in princes or in people, in the high or in the low, but in Him alone, by whose authority he was desired to put no trust in either. He said he should not vote at all upon the subject, and came to the House chiefly for the purpose of repeating his protest against committing the privileges of that House to any tribunal under Heaven, except its own.

The *Solicitor General* entreated the House to be cautious in ordering prosecutions to be carried on by the attorney-general: it was scarcely possible for them to be aware of the difficulty and inconvenience which attended such prosecutions.

Mr. *Fox* said, he felt himself in an unpleasant situation with respect to the subject now before the House, not agreeing exactly with any gentleman who had spoken. If the doubts expressed by the right hon. secretary could be proved to be well founded, he should feel no difficulty in assenting to the motion for adjournment; but he thought these doubts ought to be considered a good deal before the House determined that they were well founded. With respect to the short-hand notes, he doubted whether they could fairly be deemed evidence upon which any person should be convicted; upon a former occasion he had urged a variety of objections to that proceeding, but he was over-ruled by the House. But let the House consider how that matter stood. When a question came before that House for the censure of a right hon. manager (Mr. Burke) for what he had said against Mr. Hastings and sir Elijah Impey upon the trial and execution of Nundcomar, the short-hand writer was called to the bar of the House, and asked questions upon his notes of the speech of the right hon. manager in Westminster-hall in the prosecution against Mr. Hastings; upon the evidence of these notes that right hon. gentleman was censured by that House.* Now, a question arose upon this: were the notes of a short-hand writer good for the purpose of proceeding to censure a manager of the impeachment of Mr. Hastings, and not good for the purpose of protecting him from a gross insult? This was not all: there were other views in which this subject appeared to him, and they were more general than any he had yet heard upon it, and upon which he should be sorry the House would not take this business up in a serious manner. With respect to the conduct of the right hon. manager, it was what he highly applauded: whether he should have had temper enough to conduct himself in the same way, was what he exceedingly doubted; but he commended that right hon. gentleman for his conduct upon that occasion.—Having said this, he must now observe, that he looked farther than this impeachment, and felt some apprehension, not only for the character of that House, but also for the opinion the world might be led to entertain of the constitution itself, if something like justice did not appear to be impartially administered in this country upon the subject of libels. This was an eventful year—a great many libels, some upon the constitution, some only supposed to be so, and some upon other points, had been brought forward, and their authors, printers, and publishers had been sentenced with a severity, with a degree of rigour, of inhumanity, that no danger that had threatened us could justify, no bad or false representation deserved, no calamity to be averted even called for. Now, if it should go abroad that there was in fact a principle which guided that House, such as had in his hearing often been, to his mind, foolishly and unconstitutionally asserted, that the House of Commons were ready to resent an insult from below, as they improperly termed it, by which they meant the people, and that they were ready to overlook an insult from above, by which was meant the other branches of the legislature—if, he said, such an impression was once felt, the result would be a conviction, that the House, in all its attachment to its privileges, proceeded to exercise them only against the people; and that with regard to the other branches of the legislature, it observed a servile complaisance. He had often had occasion to make these observations upon several contests with the crown; and he could not help thinking that they ought now to be renewed, and that the people should have as little reason as possible to feel the truth and force of them. Should the case be otherwise, he should tremble

* See Vol. 27, p 1401.

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for the fate of the constitution itself. He left the House to judge whether these observations applied at all at this time, when there was such a cry for supporting the constitution. The House would remember with what readiness some of the people were prosecuted for libels, and ask themselves whether the words here spoken were not of that nature, and that the only difference was, that in this case the insult came from a member of the House of Peers? With respect to the silence with which this matter had been treated by the right hon gentleman, he must say he approved of it; but then that silence was of no avail, for who could dissemble from himself, that by the medium of newspapers it was become a public thing, that the managers had been grossly insulted by the archbishop of York; not the managers merely, nor the House of Commons, but also the people of England, had been insulted? If the House were desirous to have it understood that the managers were not to speak on the trial of Mr. Hastings, but in such and such terms, and that if they spoke freely, the House would not support them when they were thus treated, he owned he thought they were hardly treated. When the House chose him as one of the managers, he was no stranger to them: they knew his way of thinking; they knew his manner of speaking; if they expected him not to speak with warmth and with as much energy as he was able, that he was not to describe vice in the most odious colours, and that with an express view of exciting all the resentment and indignation of mankind against the guilty, they would be disappointed while he continued to be a manager: he therefore had no idea of being compelled to conform with the fastidious taste of any peer, who might think this or that expression ungentlemanly: he must judge for himself, and employ the words which appeared to him to suit the subject on which he was speaking, and if the House disapproved of him, they could remove or censure him.—The question now remaining was, whether the House should, under all the circumstances, proceed to do themselves justice? If it could be proved that that was at this time impracticable, he should consent to let the business end here; and upon that subject, he owned, he did not feel himself entirely convinced by any thing that had been said; the inclination of his mind was, that they might very well proceed against the printer, and also against the right reverend prelate; and as to the mode of proceeding in general, he confessed that when the privileges of that House were invaded, he thought that the House alone were competent to decide the question: he was sure they would never be safe, or of permanent existence, if any other mode of procedure was adopted. With respect to the printer of the paper in question, the punishment of him was not his object in this business, nor severity to the right reverend prelate, whose character in many respects was highly honourable, whose venerable age entitled him to respect, and whose late domestic affliction made him an object of condolence. It was not the feeling of a personal resentment against him that occasioned these observations: it was a consideration paramount to all others for a member of that House—a regard for the honour of that House, and for the well-being and continuance of the best principles of the constitution. Were these words applicable to him personally, he should have known how to forgive them long ago, if asked to do so. But he must have it understood, that if any person spoke disrespectfully of the managers upon such a trial, he spoke disrespectfully of the people of England, and the House of Commons were obliged to stop such language, and, if, they think fit, to censure the author of it. He believed that no judge, in any of the inferior courts of this kingdom, would have suffered such words from one party to another, and the Lords ought to have censured the noble prelate after he uttered the expression. If the House saw any difficulty in proceeding, they might suffer the matter to rest as it stood: he had given his opinion—he had done his duty—the subject he now left for the judgment of the House.

The *Master of the Rolls* thought it was impossible that any proceeding, so far as regarded the right reverend prelate, could now be carried on in any regular or parliamentary form. In this view, and as he understood that it was not intended to press any motion against the printer, he would vote for the adjournment; though had any separate motion against the printer, been insisted on, he must have given it his support. If the adjournment took place, the matter would be forgotten.

Mr. *Francis* observed, that as all the proceedings in the trial were taken down in short-hand, the speech of the right rev.

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prelate would be handed down to posterity.

The *Master of the Rolls* conceived this speech to form no part of the proceedings, and did not therefore see how it could go down to posterity as forming any part of these proceedings.

Mr. Sergeant *Watson* thought the House would act with little regard to its own dignity if it took any step in a matter of this kind, where there was any doubt as to the success.

Mr. *Sheridan* said, that nothing could lead him to agree to any compromise upon the subject, except the argument of feeling; but he trusted the motion of adjournment would be withdrawn; for otherwise how would the matter appear upon the journals? His hon. friend had made a motion, that the passages alluded to were a scandalous libel upon the House; and if this motion was got rid of by an adjournment, they would in fact, stand branded by their own journals. If the first motion of his hon. friend should be agreed to, it might be understood that no farther proceedings were to be founded on it.

Mr. *Whitbread* said, he considered the matter as an insult offered by the House of Lords to that House. If he had had the support of the right hon. gentleman opposite, he would certainly have followed up the matter to the full extent; he had no doubt he should have been able to prove that the words were spoken, and by whom; and he saw no difficulty in the way of adopting such measures as might vindicate the honour and dignity of the House of Commons. He could not agree to withdraw his motion.

Mr. *Dundas* said, that every thing he had heard had confirmed him the more in his opinion as to the impropriety of proceeding farther in the business; but he would have no objection to withdraw his motion, "that the House do now adjourn," in order to move, "that the debate be adjourned for a fortnight."

The *Speaker* said, that no amendment could be made to the question of adjournment, which must be first disposed of.

The question being put, that the House do now adjourn, the House divided.

Tellers.

Yeas	Mr. Jenkinson Captain Berkley	60
Noes	Mr. Sheridan Mr. Whitbread	8

So it was resolved in the affirmative.

Debate on Mr. Fox's Motion for the Re-establishment of Peace with France.] June 17. Mr. *Fox* rose to call the attention of the House to the motion respecting the war with France of which he had given notice. He said he should not have presumed to offer his sentiments upon the subject, if circumstances had not required of him that he should do so. He arose, therefore, to state the reasons which induced him to think it was the duty of that House to take such steps as might testify a change of opinion with regard to the continuation of the war, as applied to their former votes upon that subject. He hoped no person would be so uncandid as to suppose that if upon that day he waived the consideration of those points which he had urged upon former occasions, as to the justice and policy of the war, that therefore it was to be taken for a proof that he had changed his opinion upon the measures which brought about this unhappy war. Such a conclusion would be unjust, and he trusted no gentleman would draw it. He trusted the House would feel that if he waived all these topics, it was because he did not consider them as necessary to the illustration of the arguments he had to submit on the present occasion. He should, therefore, for the sake of argument and for the sake of argument only; grant that the present war was a just, prudent, and necessary war, a war entered into for the interest of this country, and for the general safety of Europe. This was the broadest way in which he could lay a foundation for argument; and upon principles so laid down, he should state why he thought it necessary at the present time, and under the present circumstances, for that House to interfere and to give its opinion to the throne, in such an address as he should have the honour of moving. If there were any who thought that this might have a bad effect upon the public mind, all he could say was, that on his part it would not be intentional, as he was of a different opinion.

He had always understood that the grounds of the present war on the part of Great Britain were principally these: first, the particular alliance we had with the Dutch, attacked as they were by the French: secondly, not only this alliance, which in point of good faith called upon us to act from a regard to our own honour,

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but also on account of the interest we ourselves had in the issue. There was another ground stated, and that might be divided into parts, as, indeed, on former occasions it had been; he meant that which was stated upon the general footing of the aggrandizement of France, and the effect and operation of the spirit of their councils. These were the grounds upon which we undertook the present war. His object was now to show, that upon none of these grounds could the war be continued. He knew he might, and perhaps he should be told, that we had been at considerable expense in this war already, and that we had met with considerable success in the prosecution of it hitherto; therefore gentlemen inclined to insist upon these points, would urge, that under such circumstances it was fair for us to say, that we were entitled to indemnity for the expenses we had sustained, and security against future danger, or that if we had not these, the war should be followed up with vigour. That principle, as far as it regarded the situation of our allies, he did by no means deny; but the continuance of the present war for indemnity to ourselves and indemnity only, after the real object of the war was gained, could be maintained only upon prudential considerations. Now, taking it as a matter of prudence, he should wish to ask, what could we promise to ourselves from the continuance of the present war? What was it that we proposed to gain? These were all the grounds he should have to submit to the House.

In the first place, therefore, he should apprehend from these premises, that whatever sentiments of indignation the people of this country might feel with regard to some of the proceedings on the part of France (pretty generally the indignation was felt, and by none more than by himself), yet he believed it was not in the contemplation of the people of this country, at the commencement of the war, to insist on giving France its old absolute monarchy, or, indeed, to insist on giving it any form of government whatever, or to interfere with any form of government that might be found in that country. He thought he was stating nothing more than the general wish of the people of this country, and what they felt at the commencement of the war, that the object of it was not that of giving, or insisting on, any form of government to France. He stated this point negatively, because it would tend to make the positive part which he should afterwards submit the more intelligible. We were not to revenge the death of the king of France, at least we were not to go to war for that purpose. Although he felt as much as any person in this country upon that melancholy occasion, and he believed, that in this country at least, it was an event unanimously lamented; yet it was not for this that we went to war. How far the indignation of the people had been roused upon that topic, it was unnecessary for him to repeat; it was sufficient in the present instance for his purpose to say, it was not the ground of our going to war, either insisted on by the most sanguine advocates for the measure, or by the still higher authority of the communication from the throne.

The object of the war avowedly was, to preserve Holland as our ally, and to prevent the aggrandizement of France, which was said to be formidable on account of the sentiments which appeared to actuate their councils. There was, indeed, another ground, which was, that the French had declared war against us. That being admitted to its full extent, would go only to the establishment of one principle—that of making the war a defensive war; by a defensive war he did not mean to describe the mode of carrying it on, for it must be carried on, as all mankind knew, by force of arms; but it was on that account merely a defensive war in principle, which ceased with the occasion that gave it birth. And if he were asked, when was the time he would put an end to such a war? He would answer, when we could make our enemies desist from carrying on their operations against us; subject to the consideration of an indemnity, if indemnity could be obtained; always keeping in view, that indemnity was also a point to be governed by considerations of prudence and discretion. If, therefore, we had no ground for suspecting that France had any farther means of acting hostilely against us, or any of our allies, we could not justify to ourselves the continuance of the war solely upon the ground that France had declared war against us. When we had put an end to the aggression, then was the time to put an end to the war so commenced. With respect to Holland, our ally, he must observe, that the question, whether Holland was now safe from any attack from France, was easily answered; and he believed that every man in that House, and every man

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of intelligence throughout the country, knew the answer to be in the affirmative. But whether in the present state of affairs the future safety of our allies, the Dutch, was to be secured by our pursuing the war in conjunction with the other combined powers, was a question not easily answered in the same way. How far, if this war was countenanced by us, the general safety of Europe would be preserved, was a topic he did not wish to decide upon, because it afforded, in his opinion, a prospect that could not be agreeable to any man who had the least regard for the principles of liberty—all he meant in this place was, that the Dutch, as well as ourselves, were at this moment sufficiently fortified and guarded against any attack from France. Was there a man this day in the country who seriously thought that, with regard to Holland and to us, peace could not be made with France with perfect safety?

He came now to the consideration of the general state of Europe at this moment. We attacked France, because our allies were attacked by her, and because we saw in the character and spirit of her councils, views of her own aggrandizement. Was this spirit, and were these views peculiar to France? Had we not witnessed the same spirit in other powers of Europe? Had not all parties in that House, had not all the people of this country, concurred in detesting the conduct of the present combined powers with regard to Poland? Was not that scene sufficiently infamous? Did it not exhibit sufficient tyranny, oppression and breach of faith? Could we conceal from ourselves the conduct of Russia and of Prussia upon that subject? Were we to partake of the infamy of that transaction? God forbid we should! Let us, then, ask ourselves, with all the indignation we naturally entertain against the conduct of France on many points, whether the conduct of the court of Berlin and the court of Petersburgh in their invasion of Poland, and afterwards the partition of it, was not equal in infamy to any thing that France was ever guilty of? Upon this part of the subject he had a few observations to make to some members of that House, upon the alarm they expressed at the commencement of this session, at the progress of the French. What, he asked, did these gentlemen now feel when reflecting on the conduct and progress of the empress of Russia and the king of Prussia? Was this matter of alarm to any of these gentlemen? Alas! No. It seemed that nothing was now to be alarming but French principles. Such were the horrid effects of fear on account of these principles, and so far had it affected the empress of Russia and the king of Prussia, that they had laid hold of Poland in the panic. He begged pardon of the House for introducing any thing ludicrous upon so grave a subject? but a story which he remembered, appeared to him so apposite, that he could not resist the temptation of reciting it; A person detected in the act of taking a watch out of the pocket of another, being accused of it, confessed the fact, but said in his defence, that he had been struck with a panic, and in his fright he had laid hold of the first thing he could, which happened to be the gentleman's watch which he conveyed into his pocket. If, in the present case, Poland was the first thing these great powers, Russia and Prussia, could lay hold of, such was the effect of these royal alarms, such the conduct of these panic-struck sovereigns, that in the spasms of their fear, they could not quit their hold, and having each an equal right to retain what they had within their gripe, most equitably agreed to divide the kingdom between them! Did gentlemen think themselves happy in seeing this mode adopted to resist French principles? Was this conduct less dangerous to Europe than that of the French? He knew many reasons why it was more dangerous. One was, that such a combination of despots was carried on with more secrecy, than in the wild state of a democracy was possible at any time. And here he wished to know what answer gentlemen would give him, if he asked, whether they thought, that, even if the French had been able to retain all they took, Flanders and Brabant, it would have been more dangerous to the general prosperity of Europe than this division of Poland? Or that now they were restored, and supposing them to be under the condition they stood in by the order of the emperor Joseph, whether there was a man in that House of opinion, that our safety required the continuance of this destructive war?

As to Savoy, he should say nothing by way of comment upon the conduct of Great Britain: he believed that business had been commenced on the part of the French, without any thing intended to be

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done by us, and certainly without any promise of assistance from us to the party attacked; and therefore we were not involved in any point of honour on that account. He had indeed been told, but he had no means of arriving at real knowledge upon the subject, that application had been made to us at that time, and that our answer on that occasion amounted to a flat negative. In short, he wished to ask gentlemen who heard him, whether, from all the circumstances put together, relative to this war at this moment, peace might not now be obtained from France, even with the restitution of the king of Sardinia's dominions? But he should think it hard if this country was bound to insist upon such terms. It might be asked of him, whether, after we had spent millions in the prosecution of the present war, and considering the situation we are in at the present moment, and likewise that the convulsion and distraction of the French make it improbable they would be able to proceed without destruction, we should make peace? He would answer—Yes. He did not think but that some indemnity might even now be obtained from our arms in the West Indies; but he called for peace as a matter of prudence on our part, under all the circumstances by which we were surrounded. And here he came to the melancholy part of the argument; for although no views of commerce could justify the continuance of any war, after the aggression that provoked it was at an end, yet views of commerce might induce us to conclude a peace as soon as we had obtained the object for which the war began, in all cases where our honour was not at stake, even although the terms were not such as we might originally have expected.

And now, he must, however reluctantly, come to the present situation of this country. The desperate state of the disease might be judged of from the nature of the remedy which they had lately been called on to apply; and here he would desire them to ask every man, whether peace at this time was not indispensably necessary for the safety of this country in a commercial point of view? Let them ask every man in the kingdom, who had any commercial dealings, whether the accounts he received from all parts of the kingdom, did not call for a conclusion to this war? Let them ask every man possessed of the smallest information upon the subject, whether he ever heard of a war more destructive to the commerce of the country than the present? Let them see whether almost every manufacturing town in the kingdom did not give melancholy proof of the truth of these reflexions. Whether the town of Manchester, and others in its neighbourhood; whether Wiltshire, and all the West, did not prove the same thing? Some, indeed, had imagined that the city of Norwich had escaped from the mischief? But he was perfectly sure that if his hon. friend (Mr. Windham) who was immediately connected with that city, should take an opportunity of speaking upon this subject, he would acknowledge the truth of these assertions, although he had reason to fear he would differ in the conclusion he would draw. Let them, however, look at the real state of affairs; let them acknowledge, that a continuance of war might bring the greatest calamities upon us. Let them not ask themselves, what indemnity they ought to have of France; but what France had it in her power to bestow? What Europe had to bestow upon Great Britain that would recompence her for the shock that might be given to her commerce by continuing the present war.

He knew there were many who maintained, that the present war was not the cause of the present commercial embarrassments of this country; he did not agree with those opinions. But supposing them to be right, he would then say, that whatever was the cause of our distresses in that respect, we could not look with any rational hope of amending our condition without the advantages of peace; and he was ready to express his perfect conviction, that peace must be had for our recovery. Taking this for granted, as he must, he would ask, what it was that all Europe could give us by way of indemnity for our proceeding farther in this war. What was it that we were now fighting for? For our religion? It was not attacked. For our constitution? It was perfectly secure. What if France was distracted, was that circumstance of benefit to us? What if we made law tomorrow for France? What if we exacted indemnity? What had she to give? What had Europe to give to Great Britain for the prosecution of the war? He said, he saw no room for supposing that the House would not do him the justice to believe that he did not speak from any

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party warmth upon this subject. He thought, notwithstanding he had generally the misfortune to differ from the majority of the present House, that they would see upon this occasion the necessity of concurring with him in expressing an earnest disposition for the termination of the war; because all agreed in opinion, that whenever the object of the war could be obtained the hour of peace would arrive. What stood now in the way of peace? We had no alliance with Austria upon this occasion, nor any in that respect with the king of Prussia. With regard to Holland, any proposition for peace must be acceptable to the Dutch. But an alliance with the empress of Russia had that day been laid upon the table; in that alliance there was an article he was sorry to see, by which we engaged not to lay down arms but by mutual consent; and by which we might be called upon to adopt the principles of the court of Petersburgh, in the prosecution of the war; principles in themselves at all times very dangerous, but alarmingly so at this time, because we might be compelled to pursue the war until the objections of the empress were all removed. With respect to the treaty with the king of Sardinia, that was more direct and positive; but he should say no more upon these topics at this time, because that House had not yet adopted them. Another point remained.

Mr. Fox said, he knew the difficulty which had been often started with respect to peace. Upon this a question had been asked, whether we were to treat with France in its present state? To which he answered—Yes. With him, or them be he or they whom they might, we ought, and ultimately must treat, who had the government in their hands; of this he was sure. If the contrary was true; if we treated with them only on a plan of our own, as to a form of government, we must be at war with them until we had beaten them; and we should in that case fight with them until they should obtain a legally established government. Good God! what was there in their proceedings that made us look for an established government among them? What reason had we to expect that event to take place? When and how were we to enforce it? Let them suffer the penalties of their own injustice—let them suffer the miseries arising from their own confusion—why were the people of England to suffer because the people of France were unjust? Why was every man in England to be a sufferer because the people of France were in confusion, and that too when France had no power to annoy us, and when we could conclude peace with safety to ourselves and to our allies? If we were determined to say, we would not make peace with the French until they had a form of government of which we should approve, that would amount to saying, that we would dedicate to them a form of government; and if that had been avowed at the beginning he was confident the House would never have entered into the war at all; and although it was his majesty's undoubted prerogative to commence it of his own will, yet the House would have refused to pledge itself for supplies to carry it on. If he was asked, with whom we could have signed a treaty of peace some time ago? He would answer, with M. Le Brun. All those who had supported this war had agreed that peace, if it could be obtained, was a desirable object: and all that had been said or done by the National Convention, every thing that had been said or done in the city of Paris, demonstrated this, that it had ever been the opinion of that people, that a peace with this country was the most desirable of all objects for them to obtain. He owned, for his part, the necessity of this country being at peace with the French, and he was convinced, that all the people of England would see it in the same light very soon, unless they were ready to say they would pay for the follies of the French. It was a new thing to hear, that to be at peace with a people we must be pleased first with the form of their government. He knew it was not wise to treat in general with those whose power was unsettled. This applied to treaties of alliance; but when peace was the object, this doctrine was not to be admitted, as, otherwise, we might be at war for ever.

He felt a considerable deference to others in speaking on parts of this subject now. From what he had seen some time ago, he knew there was a cry in that House for entering into this war; but he thought, that if ever there was a period when one man spoke the opinion of every man in this country upon any subject, it was now, when he said that peace was an object the most desirable of all others. He must say, that every measure should now be taken to put an end to this ruinous war. An immediate termination of it was almost the universal desire of the people of

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this country. Whether it was the opinion of that House or not, he could not tell; but he believed, that his opinion upon this occasion was, almost without exception, the opinion of the public. He did not advance this upon slight ground; he had very good authority for what he said, and he hoped it would be listened to with the attention which he was sure it deserved.

A report had gone abroad; how true it was, he did not presume to determine, because he had no means of accurate information; but certainly a report prevailed, and he knew there were many who thought that some of the most efficient ministers of the crown, sensible of the distresses of the country, and the absurdity of continuing the war, were at the present moment friends to peace; and since he had considered of making the motion with which he should conclude his address to the House, some persons had told him, that he was supported in his opinion upon this war by some persons high in his majesty's council. Be that as it might, he did not say he wished for the sanction of this or of that man; he hoped that whoever favoured that opinion would be emboldened to persist, and then he trusted the crown would be advised in the cabinet to put an end to this war. If it should be so, it would give him the most heartfelt satisfaction. He knew that the opinions of many in that House might be an argument for changing the opinions of some of the members of the cabinet. He therefore thought it possible that by diligence, his object might be gained. He confessed that he so earnestly desired peace, and saw the policy of it so strongly, that if there was any one of the council of the king who wished for it, whatever situation that person held, and if he said he thought the continuance of this war dangerous and wished to put an end to it, such person for such a purpose should have his support, and he was in hopes that the motion he should make to-night would strengthen that opinion. He was the more inclined to think that would be the effect of it, from experience of the past. We all remember the American war—a war, during a long period before the termination of which, there was great reason to believe that not only the House of Commons and the people of this country, but also many of the efficient ministers of the crown, wished to put an end to. Whether that was the case as to the latter part in the present case he could not tell but this he would say, that whenever any minister should stand forth, and regardless of the impression he should make upon the party on whose favour he might principally depend, avow his sentiments upon this subject, let it be the right hon. gentleman opposite to him, he should be glad to join with him upon that subject, and afford him all the aid in his power. The American war was an awful example to the people of this country, and he hoped we were not doomed to endure another such calamity. He must once more call upon the members of that House, to exercise their own judgment and to look at the small possible advantage to be gained, and the almost inevitable ruin of pursuing this war, and then act with courage, and put an end to this dangerous and destructive measure. He hoped and trusted they would so act; and if they did, he was confident he should give consolation to them by the measure he was now going to suggest. He then moved,

"That an humble Address be presented to his majesty, to lay before his majesty, the humble representations of his faithful Commons in the present awful and momentous crisis, a duty which they feel themselves more especially called upon to perform at this juncture, as a long and eventful period may probably elapse before his majesty can again have an opportunity of collecting, through their representatives, the real sentiments and wishes of his people.

"In the name of the people of Great Britain, his majesty's faithful Commons are bound to declare, that they concurred in the measures necessary to carry on the present war for the objects of defence and security, and for those objects only.

"That any plan of aggrandizement, founded on the present distressed situation of France, much less any purpose of establishing among the French people any particular form of government, never would have had their concurrence or support.

"In expressing these their sentiments and opinions, on entering into the present war, his majesty's faithful Commons are sensible that they are only repeating those benevolent declarations which true policy, and a careful attention to the real interests of the British nation, induced his majesty to use in his most gracious speech from the throne, at the beginning of the present session of parliament, and in repeated messages to this House.

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"To represent to his majesty, that though his faithful Commons have the most perfect reliance on his majesty's sacred word and promise, solemnly pledged to this country and to Europe, not to interfere in the internal affairs of France, or to enter into the views and projects of other powers, who, in the present war, may be actuated by motives far different from those which govern the conduct of his majesty, yet they feel it to be their indispensable duty to call his majesty's most serious attention to some of the circumstances which have occurred since the commencement of the present unfortunate contest.

"The French arms, which, after a successful invasion of Brabant, had threatened the security of his majesty's allies the States General, have since been confined within their own territory, and are now occupied in defence of their frontier towns, against the united forces of his majesty and his allies; the danger apprehended from the former conquests and aggrandizement of the French nation appears therefore to be no longer a subject of just uneasiness or alarm.

"Some of the powers engaged in the confederacy against France, have, on the other hand, openly avowed, and successfully executed, plans of domination and conquest not less formidable to the general liberties of Europe.—The rapacious and faithless dismemberment of the unhappy kingdom of Poland, without having produced, as far as it appears to this House, any remonstrance from his majesty's ministers, has excited in his majesty's faithful Commons the highest indignation at so daring an outrage on the rights of independent nations, and the keenest solicitude to rescue the honour of the British government from the suspicion of having concurred or acquiesced in measures so odious in their principle, and so dangerous in their example, to the peace and happiness of mankind.

"The severe calamities, which since the commencement of the present war, this nation has already experienced, the shock given to commercial credit, and the alarming consequences which the failure of the mercantile and manufacturing interest threatens to the public revenue, and to the general prosperity of the country, cannot have failed to attract his majesty's attention, and to excite in his benevolent mind a sincere desire to relieve his people from distresses, a termination of which they cannot hope for but in the speedy re-establishment of peace.

"His majesty's faithful Commons therefore make it their most earnest and solemn request, that his majesty, taking into his consideration all the above circumstances, will not fail to employ the earliest measures for procuring peace on such terms, as are consistent with the professed objects of the war, and with that good faith, strict justice, and liberal and enlightened policy which have hitherto peculiarly distinguished the British nation."

Mr. *Windham* said, that his right hon. friend, in support of the motion which he had brought forward, had assumed and laid down what the objects were which had been held out and avowed, as the precise objects of the present war, which objects he had stated to be now attainable by negociation, if not already attained. So far as the declared objects of the war regarded Holland and Flanders, he had no great fault to find with the fairness of his right hon. friend's statement; but with respect to the alleged disavowal of any interference as to the internal government of France, there appeared to him a manifest error, or at least a want of sufficient precision in that statement. He was ready to admit that there had been a disavowal of any intention on our part to interfere, for the purpose of establishing in France any particular form of government, but he conceived it to have been an avowed purpose of the war, to endeavour to bring about the establishment of such a government in that country, as we might with safety treat with;—we were to prosecute the war, till we could make peace with safety. For his part, he was yet to learn any principle in reason, or any rule or example in practice, by which a country could be called upon, at the begining of a war, to state definitely, what were the precise objects of the war, or what the precise situation in which it ought to desist from that war: to do so would be truly impossible, because much must frequently depend, in point of prudence and propriety in that respect, upon contingencies during the prosecution of the war. His right hon. friend, however, having first assumed this as a fixed principle, having then assumed what were the avowed objects of the present war—and having also assumed that these objects are attainable—had, on all these assumptions, grounded this conclusion, that we were now only at war for imdemnification; but, denying, as he did, the

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premises, he could not possibly join in the conclusion. In this, or in any other war, he was ready to admit, that the state of the country was undoubtedly one consideration, and ought, in every thing regarding it, to make part of the calculation; but he could, by no means, agree in the opinion, that the present state of this country, with respect to commercial credit particularly, had been occasioned by the war; he certainly thought it had proceeded from causes distinct from the war. He would next ask, how did his right hon. friend make out his position, that the objects of the war are now attainable by negociation? Were that, indeed, once admitted, no doubt could remain upon the subject; he must, however, deny that the objects of the war can, in any shape, be said to be attained; for, without security, they cannot possibly be attained. Being engaged in war, the object of this country must necessarily be, not merely to recover Holland, not merely to rescue Flanders, but also to guard them against similar dangers in future. His right hon. friend had spoken of alarms with some degree of ridicule: in his mind, there was a degree of confidence equally dangerous, if not much more so. Differing, therefore, as he did, in many respects, from his right hon. friend, both as to the mischief that was now in the world, and as to the danger of its spreading over the world, it was impossible for him to agree, that the present distracted state of France furnished any security on which this country either could or ought to place reliance. With respect to what had been said of clamours for peace, perhaps some persons might be ready to join in such clamours, whose real objects were very different from their pretence, and who were by no means friendly to the constitution of this country: but, be their motives what they may, he did not like to appeal to simple illiterate persons in great questions of state; not, from any want of consideration with respect to such persons, but because they were really incapable of forming a just opinion upon questions which were questions of judgment,—particularly, with regard to war; however clamorous such people might be from their distresses, this ought to have no weight in deciding as to the merits of the war. Now were such persons liable to suffer only from the effects of war;—manufacturers, for instance, were liable to be thrown out of employment by the caprice of fashion. Besides, such people would prefer their own immediate interest to the future good either of this country or of the world. Against such impressions he hoped that House would be guarded, and that they would act upon larger views, for the interest of this country and of the rest of Europe. For his part, feeling that we have now, as we had before, every thing at stake,—that, so far from being unsuccessful in the prosecution of the war, we have hitherto been prosperous,—and that those depradations with which our trade was at first threatened, have passed away,—feeling also the difficulty of getting a combination of powers sufficient to attain the security aimed at, and the almost impossibility of again forming such combination, if once dissolved, he must consider an attempt on our part, to make peace under the present circumstances, as next to madness. Were he, indeed, to conjecture what must be the wish of those who not only approve French principles, but wish to see them introduced into this country, he would suppose it to be that this very motion should be adopted, which had been now brought forward by his right hon. friend. He had not certainly a doubt of the purity of his motives, but he was sure that nothing could have led his right hon. friend to make such a motion, except a total difference from him in opinion, as to the great points upon which this question appeared to him to turn. He begged, however, to warn the House against allowing themselves to be so far led away, from a desire of peace, as to dissolve the present confederacy until it had fully attained the great objects for which it was formed.

Mr. *Burke* said, he was desirous, on so great an occasion, to give his clear and decided, though he hoped not a pertinacious and obstinate, opinion. He conceived it to involve a question which would decide for ever our connexions with the continent—the question, whether we should make war with all the powers of Europe, in order to make peace with France? That House was called upon to send up an address to the throne, containing a most bitter invective against three great powers of Europe; and what was to be the consequence? Did we mean to provoke them without an object? If so, it was an idle invective, without meaning. He would not enter into the business of Poland, though he had certainly formed his own opinion upon it; but he

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must say, that it was a womanish proceeding at best, to rail without doing more; and, if we do more, we are at war with all Europe. He must suppose, however, that the right hon. gentleman, whom he would suspect of any thing rather than of weak designs, did really propose the making an attack in order to restore Poland. On this subject of Poland, whatever might be his sentiments, he should think it wise to hold his tongue; for was it possible for Great Britain to go to war with Austria, Russia, and Prussia, with all the great powers of Europe, with no ally but France? and what goverment was there in France with which we could form an alliance? He remembered, in history, when Charles 12th disposed of Poland, and gave it another king. But did we, on that, or on other similar occasions, call upon France to assist us in rescuing Poland? No. France indeed would have been sufficiently desirous of assisting us, but Great Britain and France could not then attempt it; the situation of Poland rendered any such attempt impracticable; for, with respect to us, Poland might be, in fact, considered as a country in the moon.

But what is the line of conduct we are now desired to follow with respect to those powers with whom we have hitherto acted in this war? Shall we begin to desert them in the first moment of our being called upon to attack? Shall we totally forget what they have done, and how they fought for us in defence of Holland, a country in which we have so great an interest? The danger which then threatened Holland was formidable indeed, when attacked by M. Dumourier, no mean man, whom he was rather glad to see as a guest here in London. Of him and his hundred thousand sans culottes the Austrians had cleared Holland, and, in doing so, had shed torrents of their blood. Shall we, then, now say that we are tired of the war, at the very instant when we have got a glimpse of hope, and before we have taken any one fortress? For his part, he reprobated such shameful perfidy. But when we shall have excommunicated ourselves from the whole band of European sovereigns, in order to treat with France, we can have no security whatever for the performance of any treaty on their part, which can be equal even to the constancy or consistency of a single individual. He did not deny the ambition of the sovereign powers of Europe; but the question, in his opinion, came to be, which was that power whose ambition was most likely to press on Great Britain? The partition of Poland might possibly be made so as not to destroy, or even to effect, in any great degree, the balance of power in Europe. The king of Prussia had, indeed, taken Dantzick, and he was sorry for it; but had he taken the lives or the property of any individuals? He hoped it would not be conceived that he approved of this; but he must consider the different conduct of France, and oppose to it the detestable principles of their infamous decree of the 15th of December. He had not heard that, either in Poland or in Dantzick, any one clergyman had lost his living, or that any man had lost his life or property.

The beginning of a war must always be the most expensive part; and yet, after having incurred all this enormous expense, we are now called upon to put an end to the war, before it has been possible to derive any fruits from it. On two former occasions the right hon. gentleman had censured, in strong terms, the conduct of the chancellor of the exchequer in preparing armaments, without doing any thing more; and shall we now desire him to do so a third time? The right hon. gentleman had said, that if we wait till there shall be a settled government in France, we may wait for ever. But, in direct contradiction to this, the right hon. gentleman himself has all along urged this proposition, that anarchy cannot last long, while despotism generally reigns for a considerable length of time. He was acquainted with the uncommon powers of the right hon. gentleman's mind, and could not without shame and concern, observe, that he descended to such degrading proposals, and was reduced to such idle, paltry, and frivolous arguments.

Supposing, however, it were deemed prudent to break off all other connexions for the sake of espousing the interests of France, let us consider, said Mr. Burke, the possibility of negociation. Supposing that England was to send an ambassador to the sans culottes convention to make the *amende honorable*, in a white sheet at the bar of the meeting, and by way of approximating to their system of equality, confer that agreeable and honourable office on some nobleman of high rank, how were we sure that, instead of a respectful reception, he would not be saluted *à-la-mode de* Santerre, holding the bloody head of Louis 16th as an example to all sovereigns? Would you next have him apply

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to the minister Le Brun? Unfortunately, the poor fellow is in gaol, and it may be very uncertain whether they would consent to grant him a day-rule. Would you apply to the minister Clavierè? You then would have *non est inventus* returned upon the back of the writ, for it seems he his not to be found. Would you have recourse to Roland! Why, he his not only in gaol but also his wife along with him, who is said to be the real minister. The wife, too, may be inaccessible; for as Roland is known to be uxorious, he is the more likely to be jealous, and would not perhaps readily admit the visit of your ambassador. Apply to Brissot, who has so many friends in this country, and let your ambassador take care that he leaves his watch behind him. But, alas! here again, Brissot is likewise in gaol, bearing a repetition of that sort of misfortune to which it is hoped that habit may reconcile him. Pay your addresses to Egalité, and you will find him in his dungeon at Marseilles, sighing at the reflection of those hopes he once entertained of being lieutenant-general of the crown of France. There then only remains (continued Mr. Burke) my celebrated friend, the mild and merciful Marat, whom a negociator might address with very excellent effect, if he carried credentials or recommendations from me. Such is the list of sovereigns who are to receive the submission and *amende honorable* of the British nation! To show how little reliance could be placed on the faith of those rulers, supposing we had entered into a treaty with them, he read a long extract of a report made by Brissot from the diplomatic committee, wherein it is stated as disgraceful to a free people to have any treaties whatever, especially with sovereigns, whom they compliment with the name of tyrants. It was in vain to say, after all, that the power of these people was not formidable. They had already evinced it, and were at one time so flushed with their successes, as to order one of their generals to advance into Italy, and depose the poor pope, who had not the power, if he possessed the inclination, of doing them any injury. The truth was, that a government such as theirs, assisted by enthusiasm, though it produced nothing but misery, anarchy, and disorder at home, had still the malignant power of great offensive operations abroad.

It had been said, shall we interfere for the purpose of obtruding on the French whatever form of government we shall think fitting for them? He was of opinion, that no country could force a particular form of government upon another, but that all received such a one as was, under all the circumstances of the case, most adapted to their situations. Governments were, in this instance like individuals: no one had a right officiously to obtrude with his advice, or undertake the management of another's affairs; but if a man were guilty of the most indecent outrages, if he were to attempt to murder his wife, to starve his children, or to burn his habitation, should we not interfere to prevent attacks upon our feelings and our safety? He remarked, that there was one grand sophistry that ran through the whole of the right hon. gentleman's speeches, namely, that we made war on France, while in fact she made war upon us, and that, too, at a time when Dumourier was affecting to treat with us. He insisted that it was a travelling delusion, that nations were not to interfere with each other: for if any nation endeavoured to confuse, to trample upon, violate or despise the rights of others, the interests of human society required that all should join against them. If, by the subversion of all law and religion, a nation adopts a malignant spirit to produce anarchy and mischief in other countries, it is the right of nations to go to war with them. In support of this doctrine, he quoted the authority of Vattel, who lays it down, that if one nation adopt principles injurious to all government and order, such a nation is to be opposed from principles of common safety. This, he insisted, was the spirit of France; and what was to keep the effects of it from England? War, and nothing else. Until, therefore, we could find that security in their principles and practices which could alone make peace permanent, he would never agree to prostrate the throne of Great Britain at the foot of any National Convention or Jacobin club whatever. He again drew a picture of a British ambassador making the *amende honorable* before the National Convention. To this end he would have the first blood in the land sent, to make the *amende* more complete: there he should stand with a white sheet on, and a torch in his hand, all the ghastly regicides in rows about him, the president shaking the bloody head of Louis 16th to make the *amende* more horrible; which

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being accomplished, Danton, with his bloody jaws, would give him a civic kiss in token of adoption. To such a ceremony he could never agree, and therefore he must resist the present motion.

Mr. *Pitt* rose and said;—After what has been already so ably urged, I do not, in the present stage of the debate, conceive it necessary to speak to the merits of the question. The almost unanimous call of the House shows, that on that point they have already sufficiently made up their minds. But something has been alleged on the general grounds on which the motion is brought forward, and particular allusions have been made to me, which I cannot allow to pass over in silence. The motion has been introduced by the right hon. gentleman on the eve of the conclusion of the session, no doubt as a solemn expression of the sentiments entertained by him on the present state of affairs, and I should be sorry that my opinion on the present occasion should be at all equivocal. I do not, then, hesitate to declare that this motion is in itself the most impolitic and preposterous which could possibly be adopted, the most contradictory to those general principles which at all times ought to regulate our conduct, and the most unsuitable to those particular circumstances in which we are now placed. Such is my opinion of the nature of this motion, which points out to us a line of conduct we can by no means pursue, namely, to make peace upon terms which even, if within our reach, we ought not to accept, but which, in fact, is only calculated to amuse and delude the people, by holding out to them a possibility of peace, when, in reality, peace is impossible, and thus serving to create groundless discontents and dissatisfaction with the present situation of affairs.

Are we, I would ask, in pursuance of this motion, to be content merely with the French relinquishing those conquests which they have unjustly made, without either obtaining reparation for the injuries they have already done us, or security against their future repetition? There might, indeed, be situations in which we might be compelled to adopt such a conduct. Against necessity there is no possibility of contending. But, indeed, it would be rather strange if we should do that at the beginning of a most successful war, which could only be advisable at the conclusion of a most disastrous one. It would be a principle somewhat new, if, when unjustly attacked, and forced into a war, we should think proper to cease from all hostilities, as soon as the enemy should be unwilling to support their attack and go on with the contest. Has such been the case in any of the most favourite periods of the history of this country, to which the right hon. gentleman is so fond of alluding? Where can he find any such principle in any of those wars which this country has carried on in support of its independence? And if so, what is there in the peculiar situation of the French, the disturbers of the peace of Europe, and the unprovoked aggressors of this country, that should require any other measure to be dealt to them, than what we have been accustomed on former occasions to afford to our enemies? With a prospect of success so great as we have in the present moment, are we to grant them an impunity for all those designs which they have so unjustly formed and attempted to carry into execution? Would this tend in any degree to remedy the temporary inconvenience to this country, which the right hon. gentleman has stated as resulting from the war, but which, in reality, is produced by collateral causes? In no case would the conduct here pointed out be expedient. But of all cases, where we ought not to stop merely because the enemy stops, is that where we have suffered an injury without having either obtained reparation or security.

This I will illustrate by what is at present our situation. And first I will ask, what was the state of this country with respect to France, previous to the declaration of war on her part? We then contended, first, that she had broken a treaty with our allies, which we were bound to support: secondly that she had engaged in schemes of ambition and aggrandizement, inconsistent with the interests of this country, and the general security of Europe: thirdly, that she had entertained principles hostile to all governments, and more particularly to our own. In consequence of all these circumstances, you then declared in addresses to his majesty, that if proper satisfaction was not obtained, a war must be the consequence. But while this was in agitation, they had themselves declared war, and been guilty of a sudden and unprovoked aggression upon this country. Is then that aggression, the climax of all their injuries, to induce you to abandon those reasonable views of satis-

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faction which before you entertained? The necessity of security against those three points, their disregard of treaties, their projects of ambition, and their dangerous principles, certainly becomes greater, inasmuch as their injuries are increased by the aggression. The argument for satisfaction, instead of being diminished, derives greater strength from this last circumstance. Indeed if we were foiled, we might then be induced to abandon those views with which we had set out, to submit to the hardship of our fate, and to receive such terms as necessity might dictate. But those terms which the motion prescribed are not such as are to be aimed at in the first instance, but such as are only to be submitted to in the last extremity. The question then is, whether we shall now court calamity, whether we shall, after a most successful commencement, voluntarily submit to all the most direful consequences of failure and defeat? At present we have both right and interest on our side. Shall we abandon both? Shall we, with the means of doing ourselves justice, pass by the most repeated and aggravated injuries, and grant peace to those whose unprovoked aggression alone compelled us to arm in our own defence? The question resolves itself into this; shall we, from a view of the present situation of the belligerent powers, risk more by vigorously persisting in the war till we have obtained its objects, or by abandoning it without either reparation or security? I shall only put the question, and leave it to you to decide.

Allow me only to subjoin a few remarks with reference to some points urged by the right hon. gentleman who made the motion. We thought it necessary in the first instance, upon being attacked, to enter vigorously into the war. Did we not see the evils which we might expect to encounter in carrying it on? Were we insensible of those calamities with which every war is attended? Have these evils and calamities turned out to be greater than at first were expected and foreseen? On this point I shall not refer you to the inflamed exaggerations of the right hon. gentleman, who predicted from the war, even in its commencement, every possible calamity, such as the most alarming discontents at home, the total stagnation of commerce, and interruption of public prosperity; and who represented that its infallible consequence must be not to check the schemes and repulse the progress of the enemy, but, on the contrary, to unite their views and concentrate their vigour. No—however justified I might be in taking this statement, I shall refer you only to the more moderate apprehensions of those who, though convinced of the necessity of the war, were not insensible to its dreadful consequences. These apprehensions happily have been disappointed, and the very reverse of those calamities, which there was but too much reason to dread, has taken place. The war has been attended, even in its outset, with the most brilliant, rapid, and unexpected success. The views of the enemy have experienced a most effectual check, and every circumstance concurs to favour the hope of our being able completely to accomplish every object of the war. Is there any thing, then, in this situation, to induce us to abandon our views of reparation and security?—Are we to give up our claims of satisfaction, merely because we have been beyond example successful in repelling an unjust attack? To urge this point, would indeed be wasting the time of the House.

The only question that remains, is, at what period, and from what situation of affairs, we are to obtain that reparation and security which we desire? How long are we to wait for these objects? Are we to place them upon circumstances which may never happen, and thus pursue them without any possibility of attaining our end, which may be the case if we look to the establishment of any particular government in France? The answer to these questions, like the degree of security and reparation to be obtained, depends upon circumstances of comparison. I declare, that on the part of this government there was no intention, if the country had not been attacked, to interfere in the internal affairs of France. This was clearly proved by the system of neutrality, on our part, so strictly observed. But having been attacked, I affirm, that there is nothing, either in the addresses to his majesty, or the declaration of his servants, which pledges us not to take advantage of any interference in the internal affairs of France that may be necessary. I, for my own part, repeat, that I have given no such pledge. I do not say that if, without any interference, sufficient security and reparation could be had for this country, I would not, in that case, be of opinion that we ought to abstain from all interference,

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and allow their government to remain even upon its present footing. But I consider the question of obtaining these while the same principle that now prevails continues to actuate their government, to be extremely difficult, if not impossible. I should certainly think, that the best security we could obtain, would be in the end of that wild ungoverned system, from which have resulted those injuries against which it is necessary to guard. There are, however, degrees and proportions of security which may be obtained, and with which we ought to rest satisfied; these must depend upon the circumstances that shall afterwards arise, and cannot be ascertained by any previous definition. But when you have seen yourselves and all Europe attacked—when you have seen a system established, violating all treaties, disregarding all obligations, and, under the name of the rights of man, uniting the principles of usurpation abroad, tyranny and confusion at home—you will judge, whether you ought to sit down without some security against the consequences of such a system being again brought into action. And this security, it appears to me, can only be obtained in one of three modes. 1st, That these principles shall no longer predominate; or 2dly, That those, who are now engaged in them, shall be taught that they are impracticable, and convinced of their own want of power to carry them into execution; or 3dly, That the issue of the present war shall be such as by weakening their power of attack, shall strengthen your power of resistance. Without these you may indeed have an armed truce, a temporary suspension of hostilities; but no permanent peace; no solid security to guard you against the repetition of injury and the renewal of attack. If on these points we have made up our minds, if we are determined to prosecute the war till we shall obtain proper satisfaction, and at least be able to provide some security for the continuance of peace, the present motion can only tend to fetter the operations of war, to delude our subjects, to gratify the factious, to inflame the discontented, to discourage our allies to strengthen our enemies.

What could be the effect of any negociation for peace in the present moment? It is not merely to the character of Marat, with whom we would have to treat, that I object; it is not to the horror of those crimes which have stained their legislators, crimes in every stage rising above another in point of enormity; but I object to the consequences of that character, to the effect of those crimes. They are such as render negociation useless, and must entirely deprive of stability any peace which could be concluded in such circumstances. Where is our security for the performance of a treaty, where we have neither the good faith of a nation, nor the responsibility of a monarch? The moment that the mob of Paris becomes under the influence of a new leader, mature deliberations are reversed, the most solemn engagements are retracted, our free will is altogether controlled by force. In every one of the stages of their repeated revolutions, we have said, "Now we have seen the worst, the measure of iniquity is complete, we shall no longer be shocked or astonished by the contemplation of added crimes and increasing enormities." The next mail gave us reason to reproach ourselves with our credulity, and, by presenting us with fresh crimes and enormities still more dreadful, excited impressions of new astonishment and accumulated horror. All the crimes which disgrace history have occurred in one country, in a space so short, and with circumstances so highly aggravated, as outrun thought, and exceed imagination. Should we treat with Marat, before we had finished the negociation, he might again have descended to the dregs of the people from whom he sprung, and have given place to a still more desperate villain. A band of leaders had swayed the mob in constant succession, all resembling in guilt, but each striving to improve upon the crime of his predecessor, and swell the black catalogue with new modes and higher gradations of wickedness—

> Ætas parentum pejor avis tulit
> Nos nequiores, mox daturos
> Progeniem vitiosiorem.

No treaty can exist on their good faith independent of the terms of peace. Could they be bound by engagements more solemn than those to which they had pledged themselves in return for our neutrality? What new engagements can be more binding, or from what part of the character of the leaders, or what change in the principles of action, can we expect greater good faith, or stricter attention to engagements than were exhibited by their predecessors? To make a treaty with them would be only to afford them an opportunity of breaking it off before it was finished, or violating it in its very commencement.

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But if the motion can answer no good purpose, can it answer no bad one. Might it not serve to encourage the French? What the right hon. gentleman reserved as the last part of his argument, seemed particularly to have this tendency, the conclusion which he drew of the necessity of a peace from the situation of the country. If we are really come to that period of distress and embarrassment, that peace upon such terms is necessary, we must indeed submit to the decrees of Providence with the resignation with which we would submit to the sacrifice of our independence. If the period of our ruin is come, we must prepare to meet the fate which we cannot avert; we cannot meet it in any shape more dreadful than that which is proposed by the motion of the right hon. gentleman. But our situation is not yet so desperate. With respect to the embarrassment of credit, and the consequent interruption of commerce, I may safely say, that none have watched it more carefully than myself, none can have felt it more anxiously. The hon. gentleman states the means of relief, which have been adopted by the legislature, as in his opinion, a proof of the extent of the calamity. For my part, I have formed a very different conclusion. The effect of the relief held out by the legislature, even before it was experienced, was completely to restore confidence and vigour to commerce—a proof that the embarrassed state of credit was only temporary, and, in a great measure, accidental. It clearly was not the effect of the war in which this country was engaged but was influenced by the state of the continent, where the war had previously subsisted, and where it had taken away the market for our commodities. This embarrassment then could only be ascribed to that cause which had produced so many other calamities—that destroying spirit on the continent, which devours not only the fruits, but the seeds of industry—which overturns the very altar of society, and lets loose upon the world all the horrors of anarchy and desolation.—The question then is, whether we shall persevere in those exertions, by which we may at least remove this inconvenience, while, in co-operation with our allies, we strive to remove its cause—a cause which, if not checked, might have led to distress and ruin? The present motion, by magnifying the inconvenience which we have sustained into a calamity, is calculated to give a false impression, and give to what at most could only be the object of apprehension at home, all the mischievous consequences of a real distress abroad. It is calculated to discourage our allies, and inspire our enemies with confidence.

Having thus given my opinion as a member of parliament, there are some allusions which have been made to myself, as a member of the cabinet, which I am called upon to notice. I have only to say, that if ever that right hon. gentleman should be a member of the cabinet, I trust that he will be better informed of the proceedings of the councils of other nations, than at present he seems to be with what every man would desire to have some acquaintance with—those of his own. He stated, that he brought forward his motion with a view of giving support to certain opinions, which he understood to be entertained in the cabinet respecting the war. If he brought forward his motion from any motive of personal kindness to me, I have only to request that he will withdraw it. Not having lately been much in the habit of reading newspapers, I could not easily conceive to whom the hon. gentleman alluded. Indeed, there is no proposition which I could deem so impolitic to be brought forward by any of his majesty's servants as the present motion. If there is any difference in opinion between me and the other members of the cabinet, I can only assure him, that I am the most determined to oppose the grounds and principles upon which that motion is founded. The question is, whether, in conjunction with our allies, with whom our own prosperity is so intimately connected, and with those prospects of success which our situation affords, we shall persevere vigorously to oppose those destructive principles with which, even though baffled at present, we may expect to contend to the latest hours of our lives? and on this issue I allow it to rest. I have spoken at much greater length than I at first intended; but on this subject, whenever it occurs, I find it impossible to keep those bounds which I had prescribed to myself, prompted as I am to enlarge by the dearest feelings and principles of my heart, affection, and gratitude to my sovereign, and that duty which I owe as a member of the community.

Mr. *Hussey* admitted that it was difficult to make peace at present—but was that the thing most difficult? What was

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become of that surplus of revenue which the chancellor of the exchequer had formerly stated as sufficient for the expenses of the war, without new taxes? Where were now the weekly accounts of increasing revenue? Was he sure that he could carry on the war for one year more, without great additional taxes, or that he could make such taxes productive? He supported the motion, as tending to prevent those evils from French principles, which the chancellor of the exchequer so much dreaded, and which, in his opinion, war only could produce.

Mr. *Pitt* said, he could not flatter himself that the war could be carried on another year without fresh taxes. The revenue for the last quarter was certainly less than for the corresponding quarter of the year preceding; but the difference was not greater than had occurred in years where there was no falling off on the whole. The stagnation of our trade was owing to temporary causes, which were daily ceasing to operate. He was sanguine in his hopes of the produce of the revenue, because, in all former wars, while we had a superiority at sea, our trade had increased.

Mr. *Wharton* thought the minister ought to be seriously alarmed at the continuance of the war, if he considered the deficiency of the revenue, or the declining state of our commerce and manufactures. He was convinced that the country was unequal to support a war, and he should therefore support the present motion.

Mr. *Fox* rose, for the purpose of replying to the arguments that had been urged against his motion. If any argument against attempting to make peace was to be drawn from a supposed kind of tacit engagement of gratitude to the emperor for his assistance in saving Holland, there could be no end of the war. Was it meant, that we were not to make peace till all the objects which the emperor might propose, should be fulfilled? If that was the fact, he wished in God's name to know, what those objects were? Were they just? Were they honourable? Were they to the advantage of this country? No! they were secret; and we were to spend our treasure and our blood to support that prince, to rob the elector of Bavaria of his territories. The emperor had made no renunciation of all his objects; and since this court was to be drawn in to co-operate with whatever might be his views against France, it was a mockery in ministers to disclaim intentions which they meant to carry into effect indirectly and circuitously, if not openly, in favour of the emperor. With regard to the manufacturers of this country, he did not deny that they might be incompetent judges on the present question; but though they were not competent judges as to the propriety of continuing the war, they must absolutely pay for its continuance. Then let us give them reasons for the measure; let us not delude them. But could that be done? No! for so far from being able to tell them what those objects were, the House had not inquired into them themselves. As to the character of men now holding the government of France, if that were to be urged as a reason for continuing the war while they should continue in power, was this more or less than proclaiming, that, so long as those men remained in power, we would continue the war to punish ourselves, and not them, for their crimes and enormities? This declaration, however, was much fairer than the argument of the chancellor of the exchequer: for he had asserted, that if we could obtain reparation and security, the form of government in France would be no objection to our making peace, and, in his opinion, he had spoken well. But he had afterwards dwelt on the difficulty of expecting so favourable a circumstance. If he understood the right hon. gentleman right, there were three species of security on which we might rely. The first was a change of power in France. Was that our object? If so, we were at war with France for the purpose of giving her a constitution. The second was to arise from the persons in France still entertaining the same principles, but convinced by the chastisement they might suffer of the inefficacy of attempting to carry them into execution: but if our arms should prove victorious, as a supposition of that security implied, would a people who had thus severely suffered be thus easily convinced? The third consisted in a relinquishment of a part of their dominions; and if such were the object, had we not already obtained that species of security? If we must possess Normandy and Brittany, let ministers say so; and, extravagant as the declaration might appear, it would be intelligible. We had gained that species of indemnity which the right hon. gentleman wished, by the capture of some of her West-India islands. Did that right

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hon. gentleman desire to prosecute the war farther, merely that he might be the tool to serve the unjust purposes of some German prince? In the course of his whole argument he had talked as if this country was suing for peace. Was it suing for peace, when the proposition had first come from the enemy? With our miraculous successes and armies, would it not appear more like making an offer to grant it? It would not be mean, but manly; not base, but magnanimous. An hon. friend (Mr. Windham) had asserted, that asking for the object of a war previous to its commencement was a new principle. He begged leave to give that position the flattest contradiction. Whenever war was commenced, it had been usual to state some object on which that war was to depend. Was a dislike to the doctrine of the rights of man to be pushed so far, that the people were to be denied the right of knowing why they were to suffer the expenses and distresses of war? One right hon. gentleman had said, that to make peace with France would be to make war with our allies: but, would not the example of overtures for peace from Great Britain be rather likely to produce a general peace on the continent? The chancellor of the exchequer had said, that our distresses were but temporary: he hoped so too. He believed he had likewise said, that they were only imaginary: but if he were inclined to pledge his veracity to any fact, it would be to the direct contrary. As to the principles of the French revolution, his opinion remained exactly what he had before stated, though he saw and detested their present scandalous perversion. The extreme, however, of their principles in favour of democracy was not worse than the species of principles which he had heard urged in favour of royalty. He thought, however, that of all the arguments that had been urged against royalty, none was more erroneous than that most popular one which rested on its expense. The expense of royalty itself was paltry, and not worth the attention of a great nation; but if the public were to be involved in the expenses of a war for the purpose of establishing royalty in another nation, it was enough to render them disgusted with royalty, and would give the utmost force to the revolutionary arguments on that subject. If there were persons among us who wished for the establishment of revolutionary principles in this country, he believed their numbers to be very few: to no description of men could his proposition be so odious as to men composing a party of that kind. It was a proposition al[illegible]orrent to their principles, and would inevitably crush them. It was only by war that such people and such principles could thrive. On the question of an interference in the internal concerns of France, he should freely declare his opinion. He thought that such an interference ought not to be the object of this country; but that if it were necessary as a means of obtaining our object, it ought not to be disclaimed. He had now done his duty. He had attempted to check the torrent of that calamity which the present war had too fatally produced, and should take the sense of the House upon his motion.

Mr. *W. Smith* spoke in favour of the motion, contending, that so far from operating as a provocation to the allied powers, in a manner dangerous to Great Britain, it was calculated to restore peace again to Europe. The distresses of the manufacturers he asserted to have been produced by the war, and to have every appearance of being rendered progressive by its continuance.

Mr. *Drake* said, that to make peace with France would be to declare enmity with every power in Europe. He believed all the members of that House to a man, wished for a speedy and honourable peace. But for us to make peace with France would be to declare war against virtue.

Sir *W. Dolben* objected to the motion, on the ground of its being premature. It referred to treaties, which could not become proper objects of approbation or disapprobation, until they were concluded.

The House divided:

	Tellers.	
Yeas	Mr. Husssey - - -	47
	Mr. Grey - - - -	
Noes	Mr. Windham - - -	187
	Mr. Jenkinson - - -	

Treaty with Hesse Cassel—Convention with Russia—and Treaty with Sardinia.] June 17. Mr. Secretary Dundas presented to the House, by his Majesty's command, the following Papers:

No. I.—Treaty between His Majesty and the Landgrave of Hesse Cassel, signed at Cassel the 10th of April 1793.

Be it known to those whom it may concern, that his majesty the king of Great Britain, and his serene highness the land-

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grave of Hesse Cassel, in consideration of the strict ties which unite the interest of their respective Houses, and having judged that, in the present situation of affairs, it would contribute to the reciprocal welfare of Great Britain and of Hesse, to cement and strengthen, by a new treaty of alliance, the connexion which subsists between them; his Britannic majesty, in order to regulate the objects relative to this alliance, has thought proper to send to Cassel the right hon. Thomas, earl of Elgin, and of Kinkardine, baron Bruce of Kinross, his minister plenipotentiary and his serene highness has nominated, on his part, for the same purpose, the baron Maurice Frederick of Munchausen, his actual minister of state, privy councillor, and knight of the order of the golden lion, and his director of the college and treasury of war, and John Francis Kunckells, privy councillor of war; who, being furnished with the necessary full powers, have agreed to take for basis of the present treaty, the treaties which were formerly concluded between Great Britain and Hesse, to adopt such parts of them as may be applicable to the present circumstances, or to settle by new articles those points which it may be necessary to regulate otherwise. Every thing which shall not otherwise be settled, shall be deemed subsisting in full force, in the manner expressed in the above-mentioned treaties: and, as it is not possible to specify each particular case, every thing which shall not appear to be determined in a precise manner, either in the present treaty, or in the former treaties, shall be settled with equity and good faith, in conformity to the same principles, which it is agreed on both sides to adopt for the regulation of such cases, whether during the course of the war, or after its conclusion.

I.—There shall be, therefore, in virtue of this treaty, between his majesty the king of Great Britain, and his serene highness the landgrave of Hesse Cassel, their successors and heirs, a strict friendship, and a sincere, firm, and constant union, so that the one shall consider the interests of the other as his own, and shall strive to promote them with good faith, as much as possible, and mutually to prevent and remove all disturbance and injury.

II.—With this view, it is agreed, that all the former treaties, especially those of guaranty, shall be deemed to be renewed and confirmed by the present treaty, in all their points, articles, and clauses, and shall have the same force, as if they were herein inserted word for word, in as much as the same is not derogated from by the present treaty.

III.—His majesty the king of Great Britain desiring to secure for his service in Europe, a body of the troops of the serene landgrave, and his serene highness, wishing for nothing more than to give his majesty real proofs of his strong attachment for him, engages, by virtue of this article, to keep in readiness for this purpose, during the space of three successive years, reckoning from the day of the signature of the present treaty, a body of 8,000 men, as well infantry as cavalry of chasseurs, including officers. This corps shall be completely equipped, furnished with tents, and all necessary equipage; in a word, shall be put upon the best possible footing, and nobody shall be admitted into it but men capable of serving, acknowledged as such by the commissary of his Britannic majesty. This corps shall march in two divisions: The first, consisting of 4,000 men, shall be composed of a corps of infantry with the artillery-men, and of a regiment of cavalry.—Formerly the signature of treaties preceded for some time the period of the requisition for the march of the troops; but as in the present circumstances there is no time to be lost, the day of the signature of the present treaty is deemed to be also the period of the requisition, and the first division of 4,000 men shall be in readiness to pass in review before the commissary of his Britannic majesty on the 8th of next month, and to begin its march the following day for the place of its destination.—The second division, consisting also of 4,000 men, and composed of a corps of infantry, of a battalion of chasseurs, and of two regiments of cavalry, shall be in readiness to pass in review the 5th of June, and shall be ready to march in eight weeks, from the day of the conclusion of the present treaty, or even sooner, if it is possible. These troops shall not be separated, unless the cause of war should require it, but shall continue under the orders of their Hessian chief, under the command, however, of the general to whom his Britannic majesty shall entrust that of his whole army; and the second division shall only be conducted to those places where the first shall be, unless it should be contrary to the plan of operations.

IV.—Each battalion of infantry of this corps of troops shall be provided with two field-pieces, and the officers, cannoneers, and other men and equipage attached to them.

V.—In order to defray the expenses to which the serene landgrave shall be put by equipping the above-mentioned corps of 8,000 men, his majesty the king of Great Britain promises to pay to his serene highness for each horseman or dragoon, properly armed and mounted, 30 crowns banco, and for each foot-soldier 30 crowns banco: This levy-money for the first division, shall be paid fifteen days after the signature of the present treaty. With regard to the levy-money for the second division, one-half thereof shall be paid on the 8th of next month, and the other half on the day on which the second division shall begin its march. The levy-money shall be paid for the same description of persons for whom it was given in the former alliances.

VI.—Besides what is stipulated in the preceding article, his majesty the king of

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Great Britain engages to cause to be paid annually, during the three years that this treaty shall last, a subsidy and an half, fixing the sum according to the custom established for the subsidies in the former treaties. This subsidy shall commence from the day of the signature of this treaty; and it shall be paid at the rate of 225,000 crowns banco per annum; the crown being reckoned at fifty-three sols of Holland, or at 4*s*. 9*d*. $\frac{1}{2}$ English money. When the said troops shall be sent back by his Britannic majesty, from the day of their return into the territories of his serene highness, till the expiration of the treaty, the subsidy shall be continued upon the same footing of 225,000 crowns banco per annum. The payment of this subsidy shall be regularly made without any deduction, and quarterly, in the town of Cassel, into the military treasury of the serene landgrave, authorized to receive it; and, in case that, on either side, it should be judged expedient that the number of the corps of troops, should exceed eight thousand, the subsidy shall be proportionably augmented, unless it shall be otherwise agreed upon. His majesty shall continue equally to this corps, the pay and other emoluments during the remainder of the month in which it shall repass the frontiers of Hesse, and arrive in the territories of his serene highness; that is to say, Hesse properly so called.

VII.—With regard to what relates to the pay and allowances, both ordinary and extraordinary, of the said troops, during the time that they shall be actually in the pay of Great Britain, it is agreed, that, as long as they shall serve in the empire, they shall enjoy the same advantages and emoluments which his majesty grants to his German troops, according to the effective establishment of the said corps of troops, at the time of their being delivered; which shall be verified by a list, signed by the respective ministers of the high contracting parties, which shall have the same force as if it were inserted word for word in the present treaty. During the time that they shall be employed in the low countries, they shall be treated in the above-mentioned respect upon the footing of Dutch troops; it being understood that, in both cases, that is to say, in that of the German pay, as well as in that of the Dutch, the allowances shall not be inferior to what was granted in former wars; and, if the nature of the war should require that those troops should serve in different countries upon the continent of Europe from those above-mentioned, they shall, in that case, be put, in every respect, on the same footing with the most favoured of his majesty's auxiliary troops. If it shall happen that they should be employed in Great Britain or in Ireland, as soon as the notification in such case shall be made to the serene landgrave, they shall be put on the same footing, in every respect, as the national British troops.—All these allowances for those troops shall be paid into the military treasury of his serene highness, without any abatement or diminution, in order to be distributed.

VIII.—If it should unfortunately happen, that some regiments or companies of the corps above-mentioned should, by any accidents, be wholly or partially ruined or destroyed, or that the pieces of artillery, or other effects, with which it may be provided, should be taken by the enemy, his majesty the king of Great Britain will pay the expenses of the necessary recruits and re-mounting, as also the value of the said field artillery and effects, in order speedily to restore the artillery, regiments, or companies, to their former state; and those recruits shall likewise be put upon the same footing, as those which were furnished to the Hessian officers, in virtue of the 5th article of the treaty of 1702, in order that the corps may be always preserved, and sent back hereafter in as good a state as that in which it was delivered; and the recruits annually necessary shall be delivered to the English commissary, disciplined and completely equipped, at the place of their destination, at the time which his Britannic majesty shall appoint.

IX.—It will depend upon his Britannic majesty to retain this corps of troops in his service all the time of the duration of this treaty, to make use of them in any part of Europe where he may have occasion for them, provided it be not on board the fleet, from the time of its quitting the territories of the serene landgrave; and when his majesty the king of Great Britain shall think proper to send back the said troops, he shall give three months previous notice to his serene highness, and shall make him an allowance of a month's pay for their return, furnishing them also with the necessary means of transport gratis.

X. His Britannic majesty promises to attend as much as possible to the safety of the dominions and possessions of his serene highness, and to direct the military operations, as much as circumstances may permit, in such manner that the country of his serene highness may be covered and spared as much as possible. If, however, notwithstanding the precautions which shall be taken with that view, the country of his serene highness should be invaded by the enemy, on account of this alliance, and the present treaty, his Britannic majesty shall endeavour to procure to the country of his highness the landgrave an indemnification proportionable to the loss occasioned thereby, according to what has been formerly done on similar occasions.

XI. The sick of the Hessian corps shall remain under the care of their own physicians, surgeons, and other persons appointed for that purpose, under the command of the general commanding the corps of those troops; and every thing shall be granted to them which is granted to his majesty's own troops.

XII. All Hessian deserters shall be faith-

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fully restored as often as they shall be discovered in places dependent upon his Britannic majesty.

XIII. In consideration that the article of recruiting becomes daily more expensive in Germany, on account of the numerous armies which are there kept on foot, and that the vacant pay is regarded as the principal fund to defray that expense, it is agreed that, at the review to be made in spring, at the beginning of the campaign, by the commissary of his Britannic majesty, the corps ought to be complete, or the pay of those wanting to complete shall be retained; on the other hand, the pay of those who may be wanting from one Spring review to the next shall not be retained, but shall be allowed without abatement as if they were complete; and instead of what was formerly paid for recruiting, in the room of one killed or three wounded, it is agreed, that, without distinction, each man furnished shall be supplied at the rate of twelve crowns banco a head, under the express condition however that what is here agreed on shall only regard the recruiting, which is the object in this article.

XIV. All the expenses of transport for the troops, as well for the men as for their effects, shall be defrayed by his Britannic majesty.

XV. The situation of affairs having entirely changed its aspect since the commencement of this negociation, it is stipulated, that, if his Britannic majesty should find that, he has not, in the present moment, occasion for the above-mentioned corps of troops, and that his majesty should countermand their march before the term fixed for the review of the first division, in that case his majesty shall be bound to pay to his serene highness the levy money for the whole corps of 8,000 men, and a double subsidy for one year only, that is to say, 300,000 crowns banco, which shall be instead of the different stipulations contained in the above fourteen articles. The payment of the levy money shall in such case be made on the 8th of next month, and that of the subsidy in quarterly payments in one year, reckoning from the date of the signature of the present treaty. But it is expressly agreed, that, in the mean time, this article shall in no degree suspend either the preparations or the payments which it has been agreed on each side to make.

XVI. This treaty shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged as soon as possible. In witness whereof, we, the undersigned, authorized by the full power of his majesty the king of Great Britain, on one side, and of his serene highness the reigning landgrave of Hesse Cassel, on the other, have signed the present treaty, and have thereto put the seals of our arms. Done at Cassel, the 10th of April 1793.

(L. S.) ELGIN.
(L. S.) MAURITZ FRED. BARON DE MUNCHAUSEN.
(L. S.) JEAN FRANCOIS KUNCKELLS.

No. II.—CONVENTION between his Majesty and the Empress of Russia, signed at London the 25th of March 1793.

Their majesties the king of Great Britain and the empress of all the Russias, equally convinced of the importance and advantage to the two monarchies of the extension of the commerce which has hitherto subsisted between their respective subjects, have acknowledged the necessity of immediately providing for this object by preliminary stipulations, till a definitive arrangement for a treaty of commerce can be agreed upon between the two crowns. For this purpose they have chosen and authorized; viz. his Britannic majesty, the most illustrious and most excellent lord William Wyndham, baron Grenville of Wotton, one of his majesty's privy council, and his principal secretary of state for foreign affairs; and her majesty the empress of all the Russias the most illustrious and most excellent lord count Simon Woronzow, lieutenant general of the armies of her said imperial majesty, her envoy extraordinary and minister plenipotentiary to his Britannic majesty, and knight of the orders of St. Alexander Newsky, of the military order of St. George of the third class, and of St. Vladimir great cross of the first class; who, after communicating to each other their full powers and finding them to be in good and due form, have agreed upon the following articles:

Art. I.—The treaty of friendship, commerce, and navigation, concluded at St. Petersburgh in the year 1766, between the two monarchies, shall resume its force and activity, which shall continue in all the clauses and stipulations during the space of time hereafter fixed; and the two high contracting parties engage to employ themselves, in the interval, in the arrangement of a new treaty of commerce, for the purpose of securing, in a permanent manner, whatever may tend to consolidate and to extend the commerce and the navigation of the British and Russian subjects. In consequence whereof his Britannic majesty, and her majesty the empress of all the Russias, engage and promise reciprocally to execute, observe, and accomplish, in all points, the above-mentioned clauses and stipulations of the treaty of commerce of the year one thousand seven hundred and sixty-six, as if they were inserted here word for word, and in the same manner in which they were executed, observed, and accomplished, before the year 1787, being the date of the expiration of the said treaty; with exception only of those alterations which are agreed upon by the present act, and which will be mentioned in the following articles:

Art. II.—The college of commerce being no longer a court of justice, law suits, and other affairs of English merchants established in Russia, shall be judged and regulated by the tribunals established for this purpose, in the

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same manner as is practised with regard to other nations who have treaties of commerce. In return for which the Russian subjects established in England shall be under the jurisdiction of the same tribunals before which the affairs of other nations are brought who have treaties of commerce with England.

Art. III. — Her imperial majesty of all the Russias, in continuation of the encouragements which she has uniformly granted in her states to the commerce and navigation of British subjects, engages that they shall enjoy in her ports in the Black sea, and the sea of Azoph, all the advantages and diminutions of custom house duties which are specified in the sixth article of the edict preceding the general tariff of the year 1782, and which is of the following tenor: "Although this general tariff is to serve also for all our ports situated on the Black sea, and the sea of Azoph, we, however, diminish in the said ports, by one fourth part, the duties fixed in this tariff, in order to encourage commerce for the utility of our subjects, and of the nations with which we shall stipulate reciprocal advantages in this respect, in compensation for the privileges which those nations shall grant to our commerce; excepting however from this diminution, the merchandize specified by name in the present tariff, as liable to pay the same duties in the ports of the Black sea as in the other custom-houses of our empire, as also those for which the present tariff fixes particular duties in the ports of the Black sea."

Art. IV.—The present arrangement of commerce, on which their majesties the king of Great Britain and the empress of all the Russias are agreed, and by which they confirm the whole of the treaty of 1766, the alterations above agreed upon excepted, shall subsist and be obligatory during the space of six years, this term being fully sufficient for coming to a definitive agreement on all the stipulations of a new treaty of commerce, calculated to perpetuate and to extend the advantages of their respective subjects. The high contracting parties engage, in consequence of this act, to provide, in the most effectual manner, and according to the forms established in each of the two countries, for the entire execution of all that is stipulated, without the smallest restriction.

Art. V.—His Britannic majesty, and her imperial majesty of all the Russias, engage to ratify the present act; and the ratifications shall be exchanged within the space of three months, or sooner if it can be done, reckoning from the day of signature.

In witness whereof, we, the under-signed plenipotentiaries of their majesties the king of Great Britain and the empress of all the Russias, have signed the present convention, and have caused it to be sealed with our arms. Done at London, the 25th of March, 1793.

(Signed) (L. S.) Grenville.
(L. S.) S. Comte Woronzow.

No. III.—Convention between his Majesty and the Empress of Russia, signed at London, the 25th of March, 1793.

The persons who have exercised the powers of government in France, after having plunged their country into the most dreadful miseries, having adopted towards the other powers of Europe, measures equally unjust and offensive, conducting themselves in that respect by principles incompatible with the security and tranquillity of all independent states, and even with the existence of all social order, and having actually rendered themselves guilty of the most unjust and injurious aggression, by laying an embargo on all the British and Russian ships which were in the ports of France; an aggression followed by a declaration of war against his Britannic majesty, and his ally the republic of the United Provinces; their majesties the king of Great Britain, and the empress of all the Russias, have thought proper to concert together upon the means of opposing a sufficient barrier to the dangers which threaten all Europe, in consequence of such principles, views, and conduct. Their majesties have therefore authorized their respective ministers; to wit, the king of Great Britain, the most illustrious and most excellent lord William Wyndham, baron Grenville of Wotton, one of his majesty's privy council, and his principal secretary of state for the department of foreign affairs; and her majesty the empress of all the Russias, the most illustrious and most excellent lord count Simon de Woronzow, lieutenant-general of her imperial majesty's armies, her envoy extraordinary and minister plenipotentiary to the king of Great Britain, and knight of the orders of St. Alexander Newsky, of the military order of St. George of the third class, and of St. Vladimir, grand cross of the first class; who, after having communicated to each other their respective full powers, have agreed to the following articles:

Art. I.—Their majesties, in conformity to the ancient ties of friendship, by which they and their august predecessors have been united, and which they are desirous of cultivating and extending as much as possible, will exert all their endeavours, and will concert together ultimately for assisting and succouring each other mutually, in the course of the present war, in order to procure for themselves at the peace, that satisfaction and security which they have a right to expect, and to guaranty for the future the public tranquillity and security of Europe.

Art. II.—For this end, their majesties engage to employ their respective forces, as far as the circumstances in which they may find themselves shall permit, in carrying on the just and necessary war in which they are engaged against France; and they reciprocally promise not to lay down their arms but by common consent, without having obtained resti-

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tution of all the conquests which France may have made, upon either of their said majesties, or upon such other of the powers, friends or allies of their said majesties, to whom they shall judge proper to extend this guaranty, by common consent.

Art. III.—Their said majesties reciprocally engage to shut all their ports against French ships, not to permit the exportation, in any case, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her by such means, to just conditions of peace.

Art. IV.—Their majesties engage to unite all their efforts to prevent other powers, not implicated in this war, from giving, on this occasion of common concern to every civilized state, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French, on the sea, or in the ports of France.

Art. V.—Their majesties desiring mutually and ardently to confirm and consolidate, as much as possible, the friendship and union now subsisting between them, and to protect and extend the commerce between their respective subjects, will authorize their ministers to proceed without delay, to the formation of a definitive arrangement for a treaty of alliance and commerce. In the mean time, and until that happy work can be effected, they have agreed to renew provisionally the treaty of 1766, by a preliminary agreement of the same date with this convention, and exchanged in like manner between the abovementioned ministers.

Art. VI.—His Britannic majesty and her imperial majesty of all the Russias, engage to ratify the present convention, and the ratifications thereof shall be exchanged in the space of three months, or sooner if it can be done, to be computed from the day of the signature.

In witness whereof, we, the under-signed plenipotentiaries of their majesties the king of Great Britain, and the empress of all the Russias, have signed the present convention, and have caused the seals of our arms to be affixed thereto. Done at London, this 25th of March, 1793.

(L. S.) Grenville.
(L. S.) S. Comte Woronzow.

No. IV.—Treaty between his majesty and the king of Sardinia, signed at London, the 25th of April 1793.

Their majesties the king of Great Britain and the king of Sardinia, finding themselves engaged in a war against France, in consequence of the most injurious acts of violence and aggression, which they have respectively experienced from that country, their abovementioned majesties have agreed to make a common cause in this war, and to concert together on the means of providing for their mutual defence and safety, as well as for the general interests of Europe. Their abovementioned majesties in consequence have named and constituted for this purpose; to wit, his Britannic majesty the most illustrious and most excellent lord William Grenville of Wotton, privy-counsellor of his before-named majesty, and his principal secretary of state for the foreign department; and his Sardinian majesty the most illustrious and most excellent lord Philip de St. Martin de Front, gentleman of the chamber to his before-named majesty, colonel of cavalry and dragoons, and his envoy extraordinary to his Britannic majesty; who, after having duly communicated their respective full powers, have agreed upon the following articles:

Art. I.—His Sardinian majesty engages to keep on foot, during the whole course of the present war, an army of fifty thousand men, to be employed for the defence of his dominions, as well as to act against the common enemy: his Britannic majesty engaging, on his side, to send into the Mediterranean a respectable fleet of vessels of war, to be employed accordingly as circumstances shall permit, against the naval forces which the enemy may have in that part of the world. Their before-named majesties will ultimately concert as to the destination and employment of the respective forces above-mentioned.

Art. II.—His Britannic majesty engages to furnish to his Sardinian majesty, during the whole course of the war, a subsidy of two hundred thousand pounds sterling per annum, to be reckoned from the day of the signature of the present Treaty; which subsidy shall be paid to him punctually every three months, in advance, to be reckoned from the above day.

Art. III.—His Britannic majesty engages not to conclude a peace with the enemy, without comprehending in it the entire restitution to his Sardinian majesty of all the parts of his dominions, which belonged to him at the commencement of the war, and of which the aforesaid enemy has obtained possession, or of which it may hereafter obtain possession during the course of hostilities. In return, his Sardinian majesty will continue firmly and inseparably united and attached to the common cause, and to the interests of his Britannic majesty in this war, not only for so long time as the war may last in Italy, or in the southern parts of Europe, but until the conclusion of peace between Great Britain and France.

Art. IV.—If one or the other of the two high contracting parties shall happen to be attacked, molested, or disturbed in any of his estates, rights, possessions, or interests, at any time, or in whatever manner it may be, by sea or by land, in consequence, or in resentment of the articles or stipulations contained in the present Treaty, or of the measures to be taken by the said contracting par-

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ties, by virtue of this Treaty, the other contracting party engages to succour him, and to make common cause with him, in the manner which is stipulated by the above articles.

Art. V.—The present Treaty shall be ratified by both parties, and the exchange of the ratifications shall take place in the space of two months, or sooner if possible. In faith of which, we, the undersigned ministers plenipotentiary of their majesties the king of Great Britain and the king of Sardinia have signed this present Treaty, and have caused to be affixed the seal of our arms. Done at London this 25th of April, 1793.

(L. S.) GRENVILLE.
(L. S.) ST. MARTIN DE FRONT.

Debate on Earl Stanhope's Motion respecting Lord Auckland's Memorial to the States General.] June 17. The order of the day being read,

Earl *Stanhope* observed, that however noble lords might differ about the objects of the war, there was one thing in which there would be but one sentiment, namely, that it should not be carried on with savage barbarity. The Memorial of lord Auckland,* on the first moment that it appeared in public, had struck him as a most ferocious and unwarrantable paper, and he had determined to bring it before the House, but understanding that the noble ambassador was to take his seat there before the end of the session, he had waited for his presence. He did not hesitate to say, that their lordships were called upon by every sentiment worthy of enlightened men, of politicians and of christians, to express their abhorrence of a paper the most horrid in its purpose and effect. It was natural to look what had been the conduct of the House in cases as nearly similar as he could find. Accordingly, in 1778, he found that a proclamation issued in America, and signed among others by "William Eden," had very properly raised the indignation and abhorrence of many most respectable lords in that House. A motion had been made for an address to the king to disavow a proclamation which militated against the system of civilized war, against the character of British generosity and heroism, and which was calculated to produce the horrors of retaliation. The motion for the address was negatived, but the noble lords who had brought it forward, had left a protest on the Journals, a glorious memorial of the sentiments that filled their breasts.* He would not exactly follow the course taken upon that occasion; for it was objected to the noble lords, that they had not explained the proclamation of which they complained. He would begin by stating, what he conceived to be the meaning of the Memorial. Upon which he would move for an address to the king, to disavow it; and if this was carried, he should think it his duty to proceed against lord Auckland, the author. That noble lord had said, that the declaration was in conformity with the spirit of his instructions. It was of no other consequence to his motion, whether the declaration was conformable to instructions or not, than as it would fix the guilt on the noble lord solely, or divide it with ministers; he said guilt, for all such horrible menaces were crimes against suffering human nature, and were as impolitic as they were wicked. Uniformly such diabolical papers had produced consequences the very reverse of what was the short-sighted view of their authors. The horrid proclamation of general Burgoyne had in an instant created an army that took him and all his men prisoners. Just in the same way did it happen, with the still more infamous proclamation of the duke of Brunswick, which has consigned his name to eternal shame and disgrace, in which he threatened to put to the sword, the men, women, and children of Paris. What did it do? It drew forth an army; it roused up all France; it so irritated the minds of men; and so inflamed the multitude, that it produced the revolution of the 10th of August, the massacres of the 2nd of September, and finally, the murder of the king; while at the same time its first effect was to collect round himself such an army of men whose souls were devoted to freedom, as to beat him out of the kingdom. That proclamation no words of his could describe. The cruelties of Herod, of Nero, and of Caligula, had for ages been the subject of abhorrence, but they had none of them left on record a proclamation so bloodthirsty as this. He did not accuse lord Auckland of a production so infamous; but his paper was of the same cast; it was disgraceful to the country; it was a piece of studied ribaldry, and industrious impertinence; and it was as nonsensical in design, as it was injurious in its style: for the noble

* See p. 704 of the present Volume.

* See Vol. 20, p. 43.

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lord ought to have known that nothing was so easy as to make use of invective; that there was no argument in abuse; and that a man ought not to make use of hard words when he cannot make use of hard blows. The term "malheureux" applied to men who were so formidable as to put the world in arms, might be natural enough in the mouths of the poissardes of Paris, or of the fishwomen of Billingsgate, but was infinitely too gross for the mouth or the pen of a representative of his British majesty. The Memorial says, "This event (the death of the king), which was with horror foreseen, has taken place, and the Divine vengeance seems not to have been tardy." I am not pleased to see this presumption, in thus taking upon ourselves to judge of Divine Providence. The ways of Divine Providence are inscrutible. The noble lord ought to have recollected a memorable reproof, given by the immortal Milton on a similar presumptuous construction of Divine vengeance. Charles 2nd, and his brother the duke of York, paid a visit to Milton; the visit was made under the pretence of seeing the poet, but really with the design of insulting the old man in his infirmity and blindness. The king himself was sufficiently disrespectful to the venerable patriot, but the duke's rage broke through all bounds of common decency. "You old dog—you ruffian—you are now suffering the just reward of your crimes—Divine vengeance has overtaken you, and has thrust out both your eyes." The answer of the glorious Milton ought ever to be present with those weak mortals who dare to scrutinise the ways of Providence: "If Divine Providence has punished me with the loss of my eyes on account of my crimes, what must have been the crimes of your father, who was punished with the loss of his head?" The noble earl concluded by moving, "That an humble address be presented to his majesty, to express to his majesty the displeasure of this House at a certain Memorial, dated the 5th of April 1793, presented to the States General of the United Provinces, signed by lord Auckland his majesty's minister at the Hague, humbly beseeching his majesty that that Memorial may be publicly disavowed by his majesty, as containing matter inconsistent with the wisdom and humanity, which at all times have distinguished the British nation, and derogatory to the dignity of the crown of this realm, repugnant to reason, and to the principles of revealed religion: that these threats must tend to give to the hostilities with which Europe is now afflicted, a peculiar barbarism and ferocity, by provoking and reviving a system of retaliation and bloodshed, which from experience of its destructive tendency, honour, humanity, and religion, have combined to banish from the practice of civilized war."

Lord *Grenville* said, that the declaration was made in the spirit of the instructions given to lord Auckland; and proceeded to show that the terms of the declaration of lord Auckland would not bear the interpretation put upon them by the noble earl. The sword of the law meant no other than the just punishment which law would inflict on the crimes of murder and regicide. It was the clear meaning of lord Auckland that the criminals who had embrued their hands in the blood of the unfortunate Louis, after they had insulted him with the title of king by way of mockery, (for he contended that in regal governments it was a falsehood to say that the people could confer the sovereignty, or could cashier the monarch, on any alleged pretext of offences against them) should be delivered up at the proper time to be tried and condemned to the just punishment of their crimes. This was the evident tenor and even the text of the declaration. The noble earl had confounded the recital of what lord Auckland had before done with the paragraphs that made the jet of the declaration; and if he had attended clearly to the words, he would have seen that it meant only that the ruffians should be delivered up as soon as a tribunal should be established in France competent to try and to punish them. It was a doubtful question, whether by the laws of this country, we could deliver up to a foreign power offenders who had committed crimes in such countries: but, whether it was contrary to our laws or not, it was certainly contrary to our practice to do so; it was not the same, however, in Holland. Offenders were given up by them according to their law and practice and the great argument alleged for the French declaration of war against the States was, that they had not yielded up a person charged with fabricating false assignats, though this charge was only made to get him into their hands, on account of the part he had taken in the revolution. The noble baron concluded with moving an amendment, to this effect, "That the

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Memorial delivered by lord Auckland is conformable to the sentiments of his majesty, and those carried to the throne by both Houses of Parliament; and that it was consonant to those sentiments of justice and policy which it became the honour and dignity of the nation to express."

The Duke of *Clarence* said, it had not been his intention to have troubled their lordships at all that day, but he would just say a few words, and they should be but few. He had come down with a predetermination to vote against the motion, because he conceived it to be of a nature so personal, as to be inconsistent with the dignity of their lordships proceedings; but he could not assent to the amendment proposed by the noble secretary of state —an amendment calculated to bestow applause on a measure which, however free from any criminal motive or bad intention was not, in his mind, entitled to praise. His own opinion was, that nothing cruel in its tendency or oppressive in its nature, could originate with a British subject, and therefore he thought that the Memorial in question was not the production of a British minister.

The Earl of *Carlisle* rose to vindicate himself from an aspersion cast upon him, on account of his conduct as one of the commissioners for giving peace to America. The proclamation which those commissioners had issued was defensible on principles of policy, expedience, and justice. It had been attacked in that House, but a majority had declared that attack to have been ill-founded. On his return from America he had stated his reasons for that proclamation, which appeared to be so satisfactory to the House, that for fourteen years the attack had not been renewed. As the noble earl had thought fit to revive it, he had conceived it necessary to say these few words for the purpose of separating himself from those gentlemen, Nero, Caligula, and Herod, whom the noble lord had introduced into his puppet show. He should vote for the amendment, as he was so far from imputing blame, that he thought lord Auckland had deserved the highest approbation for his public services and conduct.

The Earl of *Guilford* could not adopt the motion of the noble earl, because he did not agree with him that it was the intention of the Memorial to take away the lives of the French commissioners. These commissioners had been in the hands of the imperial army, and they had no occasion, therefore, for executing such a purpose by this means; but though devoid of the guilt of murder, it was not an innocent paper. It was calculated to inflame the people of France, and it was unbecoming the dignity of Great Britain, inasmuch as it was a miserable triumph over those unfortunate men. He would therefore move the previous question.

The Earl of *Lauderdale* condemned the Memorial as a measure which might justly alarm thinking men, and in that view of it considered it as ill-timed, improper, and rash; but as he did not think it criminal in its object, he could not consent to support the noble earl's motion.

Lord *Auckland* declared, that after the speech of lord Grenville, little remained for him to say. Some observations, however, he meant to offer to the House because he conceived them to be a necessary tribute of respect to their lordships, and perhaps also to his own character. The objections urged against the Memorial were with respect to its substance and its style. It consisted of three paragraphs; the first was a recital of what he had done in his former applications, and of their proceedings; the second was an observation on what had happened in France, and some remarks on the Regicides, who had committed the most horrid of all crimes; and the third was the application that, such of these ruffians as had, or might fall into their hands, might be at the proper time delivered up to a court of justice, to be tried for their crimes. Would any one say, that they had not been guilty of the crime of murder? Would any one say, that as an aggravation of their offence, they had not been guilty of Regicide? Would any one state, therefore, that they ought not to be delivered up to the sword of the law? Certainly not. He never meant that they should have been put to death immediately; but that they should wait till they could be surrendered to the proper tribunal, for the purpose of receiving their merited reward. The Memorial had next been objected to, on account of its style. He said it naturally became applicable to the substance, and was the sort of style in which he had ever spoken of those detestable regicides, for so he should continue to call them, which the Memorial referred to. He stated the horror with which the murder of

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the most Christian king had filled the mind of every humane and thinking person; and asked what name, or what epithet, was too severe to apply to those wretches, who had shewn themselves capable of such an atrocious crime? He therefore should persist in holding the language which he had ever done respecting such wretches as Brissot, Chabot, Danton, and above all, that monster of iniquity the duke of Orleans, and he had no doubt but those regicides would sooner or later be overtaken with the punishment due to their enormities. In the motion made by the noble earl, only a single passage of the Memorial was referred to, and a construction given to it that was not at all applicable. The noble earl should have looked to the prayer of the Memorial; for what was the prayer of it, but to submit to the enlightened judgment and wisdom of their high mightinesses to employ all the means in their power to prevent the detestable regicides from entering Holland, and what other means could be resorted to for the effecting this purpose, than by telling them that if they came there, they should be delivered up to justice? This was the whole object of the Memorial, it was not meant that they should be put to death on the spot, but that they should be reserved in custody till such time as the course of justice should be restored, and then put upon their trials in courts competent to that purpose. Would not every man agree that murder was a crime that merited punishment, and was it not proper that murderers should be delivered to justice? In all countries murder was deemed a crime that merited severe punishment, and laws were prepared which assigned death as the proper punishment. — Having thus defended and justified the Memorial, lord Auckland said, he would not condescend to take notice of such words as had been applied to the language of the Memorial by the noble earl, who had talked of officious interference, impertinence, and ribaldry; but would be content with leaving it to their lordships judgment to decide between the noble earl and himself, to which of them such language was most applicable.—With regard to the allusions thrown out by the noble earl relative to his conduct on former occasions, he did not at all quarrel with that practice? on the contrary, he thought it was competent for any peer in that House, or any member of the other, in his place, to animadvert at any time on the public conduct of every man engaged in the public service. He thought the noble earl was fairly entitled so to do, and there was not an act of his life, either public or private, which he should be unwilling to have canvassed and considered, but he had much rather it should be done when he was present, because it would be for himself to decide, whether it was necessary or becoming to reply to any remarks that might be made on such a subject or whether they deserved to be passed by in silence.—After the very able manner in which the Memorial had been defended by his noble friend, and the poor miserable reply that had been made to that defence, it was not necessary to trouble their lordships farther on the subject.

The *Lord Chancellor* stated the situation in which, in consequence of the three motions, the House actually stood. First, the noble earl who had opened the debate had moved a construction of the Memorial to be put upon it, which had been objected to by the noble secretary of state, who had therefore moved an amendment expressing the approbation of the House, with respect to the Memorial and the principle upon which it proceeded. After that a noble earl had proposed the previous question. His lordship reasoned upon the nature, extent, and application of these three motions, observing that the very able argument of the secretary of state, left him little to add in defence of a Memorial, which he was satisfied could be no other than the work of a British minister, since it breathed the spirit of the language that had been held from the throne on the subject of the war, and re-echoed by the addresses of both Houses of Parliament. His lordship dwelt on the absolute necessity of coming to some decisive vote upon the subject, and showed the palpable injustice of ending a debate of so personal a nature by voting the previous question. The noble lord who had signed the Memorial might be fairly considered as having that day been put upon his trial. Was he to be dismissed without a judgment? He was entitled, on every consideration, to know the sense of their lordships, who would not do substantial justice unless they came to a resolution decisively expressive of their real opinion. Would voting the previous question be attended with a definitive effect? Just the contrary. It would give the world to imagine that the House doubted at least of the propriety of an important step taken by

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a British ambassador in a distinguished and an arduous situation. Was it expedient or politic, or wise, to hold forth an idea that any such doubts were entertained by their lordships? Therefore justice and policy equally required that no such idea should be countenanced by that House. In the course of the debate, little that immediately referred to the Memorial had been said, but a great deal of allusion to topics wholly irrelative to the question had been introduced. In the little that did apply, what was there but vague assertion and loose argument, that imputed error to the noble lord in having published such a Memorial? The general turn of reasoning, their lordships had heard, tended to an admission that there was nothing criminal in the noble lord's motive or his conduct, and that he did not deserve censure. If the fact were so, would their lordships stop at that point? They could not with justice; they must go a step farther, and confirm with their approbation, a measure grounded on the principles that they had themselves avowed in their address to the crown in answer to the speech from the throne at the commencement of the session.

Earl Stanhope's motion, as well as the motion for the previous question being negatived, lord Grenville's motion was agreed to without a division.

The King's Speech at the Close of the Session.] June 21. His Majesty put an end to the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"The firmness, wisdom, and public spirit, by which your conduct has been eminently distinguished on the many important occasions which have arisen during the present session demand my peculiar acknowledgments.

"Your firm determination to support the established constitution, and the zealous and general concurrence in that sentiment, which my subjects have so strongly and seasonably manifested, could not fail to check every attempt to disturb the internal repose of these kingdoms; and you will, I doubt not, in your several counties, encourage the continuance of the same vigilant attention to that important object.

"The rapid and signal successes which, in an early period of the campaign, have attended the operations of the combined armies; the respectable and powerful force which you have enabled me to employ by sea and land; and the measures which I have concerted with other powers for the effectual prosecution of the war, afford the best prospect of a happy issue to the important contest in which we are engaged:—It is only by perseverance in vigorous exertions, and by endeavouring to improve the advantages already acquired, that we can hope to obtain the great end to which my views are uniformly directed, the restoration of peace on such terms as may be consistent with our permanent security, and with the general tranquillity of Europe.

"Gentlemen of the House of Commons;

"I return you my particular thanks for the cheerfulness and dispatch with which you have granted the necessary supplies; and I am happy to reflect, that you have been enabled liberally to provide for the exigencies of the public service in a manner so little burthensome to my people.

"My Lords and Gentlemen;

"The arrangements which you have formed for the government of the territories in India, and for the regulation of our commerce with that part of the world, will, I doubt not, secure and augment the important benefits which we have already derived from those valuable possessions. It has been impossible for me to see, without concern, the embarrassment which has lately arisen in the state of commercial credit; but the steps which you have taken to prevent the progress of that evil appear already to have been productive of very salutary consequences; and while they have afforded a striking instance of your attention to the interests of my people, their effect has furnished additional reason to believe that the distress, which has been felt, proceeded from a concurrence of temporary causes, and not from any diminution of the real wealth, or any failure in the permanent resources of the country.

"I have much satisfaction in reflecting on the effectual protection which I have been enabled to afford to the trade of my subjects since the breaking out of the war; I am at the same time persuaded that, if our commercial interests had unavoidably been affected to a more considerable extent, it would not have been forgotten that we are contending for our future security, and for the permanent preservation of advantages, the most striking and the most valuable, which

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any nation has ever, by the blessing of providence, been permitted to enjoy."

The parliament was then prorogued to the 13th of August; and was afterwards farther prorogued to the 21st of January 1794.

FOURTH SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] January 21. 1794. His Majesty opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"The circumstances under which you are now assembled require your most serious attention.

"We are engaged in a contest on the issue of which depend the maintenance of our constitution, laws, and religion, and the security of all civil society.

"You must have observed, with satisfaction, the advantages which have been obtained by the arms of the allied powers, and the change which has taken place in the general situation of Europe since the commencement of the war.

"The United Provinces have been protected from invasion. The Austrian Netherlands have been recovered and maintained; and places of considerable importance have been acquired on the frontier of France.

"The recapture of Mentz, and the subsequent successes of the allied armies on the Rhine, have, notwithstanding the advantages recently obtained by the enemy in that quarter, proved highly beneficial to the common cause.

"Powerful efforts have been made by my allies in the south of Europe;—the temporary possession of the town and port of Toulon has greatly distressed the operations of my enemies; and, in the circumstances attending the evacuation of that place, an important and decisive blow has been given to their naval power by the distinguished conduct, abilities, and spirit of my commanders, officers, and forces, both by sea and land.

"The French have been driven from their possessions and fishery at Newfoundland; and important and valuable acquisitions have been made both in the East and West Indies.

"At sea our superiority has been undisputed, and our commerce so effectually protected, that the losses sustained have been inconsiderable in proportion to its extent, and to the captures made on the contracted trade of the enemy.

"The circumstances by which the further progress of the allies has hitherto been impeded, not only prove the necessity of vigour and perseverance on our part, but at the same time confirm the expectation of ultimate success.

"Our enemies have derived the means of temporary exertion from a system which has enabled them to dispose arbitrarily of the lives and property of a numerous people, and which openly violates every restraint of justice, humanity, and religion. But these efforts, productive as they necessarily have been of internal discontent and confusion in France, have also tended rapidly to exhaust the natural and real strength of this country.

"Although I cannot but regret the necessary continuance of the war, I should ill consult the essential interests of my people, if I were desirous of peace on any grounds but such as may provide for their permanent safety, and for the independence and security of Europe.

"The attainment of these ends is still obstructed by the prevalence of a system in France equally incompatible with the happiness of that country, and with the tranquillity of all other nations.

"Under this impression, I thought proper to make a declaration of the views and principles by which I am guided:—I have ordered a copy of this declaration to be laid before you, together with copies of several conventions and treaties with different powers; by which you will perceive how large a part of Europe is united in a cause of such general concern.

"I reflect, with unspeakable satisfaction, on the steady loyalty and firm attachment to the established constitution and government, which, notwithstanding the continued efforts employed to mislead and to seduce, have been so generally prevalent among all ranks of my people. These sentiments have been eminently manifested in the zeal and alacrity of the militia to provide for our internal defence, and in the distinguished bravery and spirit displayed on every occasion by my forces both by sea and land: they have maintained the lustre of the British name,

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and have shown themselves worthy of the blessings which it is the object of all our exertions to preserve.

"Gentlemen of the House of Commons;

"I have ordered the necessary estimates and accounts to be laid before you; and I am persuaded you will be ready to make such provision as the exigencies of the time may require. I feel too sensibly the repeated proofs which I have received of the affection of my subjects not to lament the necessity of any additional burthens.

"It is, however, a great consolation to me to observe the favourable state of the revenue, and the complete success of the measure which was last year adopted for removing the embarrassments affecting commercial credit.

"Great as must be the extent of our exertions, I trust you will be enabled to provide for them in such a manner as to avoid any pressure which could be severely felt by my people.

"My Lords and Gentlemen;

"In all your deliberations you will undoubtedly bear in mind the true grounds and origin of the war. An attack was made on us and on our allies, founded on principles which tend to destroy all property, to subvert the laws and religion of every civilized nation, and to introduce universally that wild and destructive system of rapine, anarchy, and impiety, the effects of which, as they have already been manifested in France, furnish a dreadful, but useful, lesson to the present age and to posterity.

"It only remains for us to persevere in our united exertions—their discontinuance or relaxation could hardly procure even a short interval of delusive repose, and could never terminate in security or peace.

"Impressed with the necessity of defending all that is most dear to us, and relying, as we may with confidence, on the valour and resources of the nation, on the combined efforts of so large a part of Europe, and above all on the incontestible justice of our cause, let us render our conduct a contrast to that of our enemies, and by cultivating and practising the principles of humanity and the duties of religion, endeavour to merit the continuance of the divine favour and protection, which have been so eminently experienced by these kingdoms."

His majesty then withdrew.

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Treaties and Conventions with Spain—The Two Sicilies—Prussia—The Emperor—Portugal &c.] The following Papers were presented to both Houses, by his Majesty's command:

TREATY between his Majesty and the king of Spain, signed at Aranjuez the 25th of May 1793.

Their Britannic and Catholic majesties having resolved, on consideration of the present circumstances of Europe, to substantiate their mutual confidence, friendship, and good correspondence by means of a provisional convention, in the interim of their entirely completing the solid system of alliance and commerce which they are so desirous of establishing between themselves and their respective subjects, have named and authorized for that purpose; viz. on the part of his Britannic majesty, the most illustrious and most excellent lord Alleyne baron St. Helen's, member of his said majesty's privy council, and his ambassador extraordinary and plenipotentiary to his Catholic majesty; and on the part of his Catholic majesty, the most illustrious and most excellent lord don Manuel de Godoy, and Alvarez, de Faria, Rios Sanchez Zarrosa, duke de la Alcudia, grandee of Spain of the first class, perpetual regidor of the city of Santiago, knight of the illustrious order of the golden fleece, and of the royal and distinguished Spanish order of Charles 3d, commander of Valencia del Ventoso, in that of Santiago, counsellor of state, first secretary of state and despactio, secretary to the queen, superintendant general of the ports and highways, gentleman of the king's chamber in employment, captain general of his armies, inspector and major of the royal corps of body guards; who, after having communicated to each other their full powers in due form, have agreed upon the following articles:

Art. I.—The two most serene kings will employ their utmost attention, and all the means which are in their power to re-establish the public tranquillity, and to maintain their common interests; and they promise and engage to act in perfect concert, and in the most intimate confidence for the accomplishment of those salutary ends.

Art. II.—Their said majesties having perceived just grounds of jealousy and of uneasiness for the safety of their respective dominions, and for the maintenance of the general system of Europe, in the measures which have been for some time past adopted in France, they had already agreed to establish between them an intimate and entire concert, upon the means of opposing a sufficient barrier to those dangerous views of aggression and aggrandizement; and France, having declared an unjust and aggressive war, as well against his Britannic majesty as against his Catholic majesty, their said majesties engage to make common cause in the said war. The said high contracting parties will mutually

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concert together every thing that may be relative to the succours to be afforded by the one to the other, as also to the employment of their forces for their respective safety and defence, and for the good of the common cause.

Art. III.—In consequence of what is stipulated in the preceding article, and in order that the British and Spanish vessels may be mutually protected and succoured during the present war, as well in their navigation as in the ports of the two high contracting parties, their Britannic and Catholic majesties have agreed and agree, that their squadrons and ships of war shall convoy, without distinction, the trading vessels of the two nations in the same manner that each convoys its own, as far as circumstances may permit, and that both their ships of war and trading vessels shall be admitted into their respective ports and protected, and shall be furnished with the succours of which they may stand in need, at the current prices.

Art. IV.—Their said majesties engage reciprocally to shut their ports against French vessels: not to permit that there shall in any case, be exported from their ports for France either warlike or naval stores, or wheat or other grains, salted meat or other provisions; and to take every other measure in their power to distress the trade of France, and reduce her by that means to just conditions of peace.

Art. V.—Their said majesties also engage, the present war being generally interesting to every civilized state, to unite all their efforts in order to prevent those powers which do not take part in the said war from affording, in consequence of their neutrality, any protection, direct or indirect, on the seas or in the ports of France, to the commerce and property of the French.

Art. VI.—Their Britannic and Catholic majesties promise reciprocally not to lay down their arms (unless it should be by common agreement) without having obtained the restitution of all the dominions, territories, cities, or places which may have belonged to either of them before the commencement of the war, and of which the enemy may have taken possession during the course of hostilities.

Art. VII.—If either of the two high contracting parties should be attacked, molested, or disturbed in any of his dominions, rights, possessions, or interests, at whatever time or in whatever manner it might be, by sea or by land, in consequence and in hatred of the articles or stipulations contained in the present Treaty, or of the measures to be taken by the said high contracting parties in virtue of this Treaty, the other contracting party engages to succour and to make common cause with him, in the manner stipulated in the foregoing articles.

Art. VIII.—The present treaty shall be ratified by both parties, and the exchange of the ratifications shall be made in the space of six weeks, or sooner if it can be done.—Done at Aranjuez, the 25th day of May 1793.

(L. S.) St. Helens.
(L. S.) El Duque de la Alcudia.

Convention between his Majesty and the King of the Two Sicilies, signed at Naples, the 12th of July 1793.

Their Britannic and Sicilian majesties, being convinced of the danger which threatens Europe, in consequence of the conduct of those who now exercise the powers of government in France, of the views which they have manifested, and of the principles which they strive to propagate in all parts, and the said persons having actually declared against his Britannic majesty, as well as against several other powers, an unjust and unprovoked war; their said majesties have judged proper to concert together upon the means of opposing a barrier to the dangers above-mentioned, and to provide for the future security and tranquillity of their dominions, as well as for the general interests of Europe.

Their majesties have therefore authorized their respective plenipotentiaries; to wit, his Britannic majesty, the most illustrious and most excellent lord William Hamilton, one of his majesty's privy council, knight of his order of the bath, and his envoy extraordinary and minister plenipotentiary to his said Sicilian majesty; and his Sicilian majesty, the most illustrious and most excellent lord John Acton, his councillor and secretary of state for the departments of foreign affairs, of war, of the marine, and of commerce, lieutenant-general of his armies, knight of his order of St. Januarius, and commander of the order of St. Stephen; the most illustrious and most excellent lord marquis Charles Demarco, his councillor and secretary of state for the department of the royal household, and knight of his order of St. Januarius; the most illustrious and most excellent lord Thomas de Somme, of the princes del Colle, marquis of Circello, his gentleman of the chamber, brigadier of his armies, and knight of his order of St. Januarius; who, after having communicated to each other their respective full powers, have agreed to the following articles:

Art. I.—Their Britannic and Sicilian majesties, from the motives above explained, will make common cause in the present war against France, and will concert together upon the military and naval operations, especially in the Mediterranean sea.

Art. II.—The high contracting parties reciprocally guaranty to each other their dominions against the common enemy, and engage not to lay down their arms, unless by common consent, without having obtained the entire and full restitution of all places, towns, and territories which respectively belonged to them before the commencement of the present war, and which the enemy may have taken during the course of the war.

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Art. III.—His Sicilian majesty promises to unite to the forces of his Britannic majesty, in order that he may employ them in the Mediterranean, either conjointly or in concert with his own military and naval forces, a body of six thousand land troops, as well as four ships of the line, four frigates, and four small ships of war. His majesty the king of the Two Sicilies offers to contribute the contingent above specified from the present time, and to augment it hereafter if circumstances will permit him. His Britannic majesty will defray the expense of the vessels for transporting the said body of troops to the places where it shall be required to serve; and as soon as the said corps shall have quitted the dominions of his Sicilian majesty for that purpose, his Britannic majesty shall be obliged to provide it with the subsistence and forage which may be necessary.

Art. IV.—His Britannic majesty shall keep a respectable fleet of ships of the line in the Mediterranean, as long as the danger of the Two Sicilies, and the operations which they shall undertake against the common enemy, shall require; and his said majesty engages to take such arrangements as shall be most proper for maintaining, either by his own forces, or in concert with the other maritime powers engaged in this war, a decided superiority in that sea, and to provide by this means for the security of his Sicilian majesty's dominions.

Art. V.—His Sicilian majesty will prohibit his subjects from all commerce with France, of what nature soever; and will not even permit the ships of other nations to export from the ports of the Two Sicilies to the ports of France, any sort of provisions, or military or naval stores.

Art. VI.—His Sicilian majesty promises to open the ports of the Two Sicilies without reserve or restriction to the English squadrons, and to furnish them with all the succour and provisions which they may be in want of at the current prices, and in the manner practised in similar cases. His said Sicilian majesty will shut his ports against all French vessels, whether merchantmen or ships of war.

Art. VII.—The ships of war of his Britannic majesty which shall be employed in the Mediterranean to serve as convoy to the merchantmen belonging to the subjects of his said majesty, shall also take under their convoy the vessels of his Sicilian majesty which may have the same destination. A similar conduct shall be observed on the part of his Sicilian majesty; and to this end the necessary and proper orders shall be respectively given to those whom it may concern.

Art. VIII.—If, in the course of the events which may occur, his Sicilian majesty shall judge that he cannot any longer, with justice and dignity, continue the war, he declares, not only that he will not make peace without stipulating, that the above-mentioned conditions in the second article of this Treaty shall be at the same time offered on the part of the enemy to his Britannic majesty, but also that if his Britannic majesty should notwithstanding determine to continue the war, his Sicilian majesty shall observe a strict and exact neutrality during all its further duration.

Art. IX.—His Britannic majesty at the future peace, and at the congresses which may be held for that purpose, will give all requisite attention to the welfare and security of Italy, and especially to the dignity and interests of the crown of the Two Sicilies, and to the procuring for his Sicilian majesty, at the peace, all due satisfaction and security.

Art. X. The present convention shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged in due form in the space of three months, or sooner if it can be done, to be computed from the day of the signature.—Done at Naples, the 12th of July, 1793.

(L. S.) Wm. Hamilton.
(L. S.) Jean Acton.
(L. S.) Marquis Charles Demarco.
(L. S.) Le Marquis de Circello.

Convention between his Majesty and the King of Prussia, signed at the Camp before Mayence, the 14th of July, 1793.

Their majesties the king of Great Britain and the king of Prussia, in consequence of the ties of friendship and of alliance by which they are now so happily united, and animated by the desire of establishing with each other a more direct and a more confidential communication upon every thing which relates to the unjust and cruel war which the persons who exercise the powers of government in France have commenced against several great powers in Europe, adopting towards others measures equally unjust and offensive, and conducting themselves towards them by principles incompatible with the security and the tranquillity of all independent states, and even with the existence of all social order; their said majesties have thought proper to concert together upon the means of opposing a sufficient barrier to the dangers which threaten all Europe in consequence of such principles, views, and conduct. Their majesties have therefore authorized their respective ministers plenipotentiary; to wit, his majesty the king of Great Britain, the earl of Beauchamp, one of his said majesty's privy council; and his majesty the king of Prussia, the marquis Jerome de Lucchesini, his actual chamberlain, knight of the orders of the black eagle, and of the red eagle; who, after having communicated to each other their respective full powers, have agreed upon the following articles:

Art. I.—Their Britannic and Prussian majesties will exert all their endeavours to establish and maintain with each other the most perfect concert, and the most intimate confidence upon all the objects relative to the

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present war; the two high contracting parties, seeing in the same point of view, the indispensable necessity of continuing their plans and operations for the accomplishment of the just and lawful object of a peace, in which all Europe may find tranquillity and security, will continue to employ their respective forces, as far as their circumstances will permit, in carrying on a war equally just and necessary.

Art. II.—Their majesties the king of Great Britain, and the king of Prussia, reciprocally promise not to lay down their arms but by common consent, without having obtained restitution of all the conquests which France may have made upon either of the two high contracting parties, or upon such other of the powers, friends or allies of their said majesties, to whom they shall judge proper to extend this guaranty by common consent.

Art. III.—The high contracting parties having already taken the resolution to shut all their ports against French ships, and not to permit the exportation in any case from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; they reciprocally engage to continue those measures, and promise to employ all other means which shall be in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

Art. IV.—Their majesties engage to unite all their efforts to prevent, on this occasion of common concern to every civilized state, other powers not implicated in this war, from giving, in consequence of their neutrality, any protection whatever, directly or indirectly, to the commerce or property of the French on the sea, or in the ports of France.

Art. V.—Their Britannic and Prussian majesties engage to ratify the present convention; and the ratifications thereof shall be exchanged in the space of six weeks, or sooner if it can be done, to be computed from the day of the signature of the present convention.—Done at the camp before Mayence, the 14th of July, 1793.

(L. S.) Beauchamp.

(L. S.) Jerome Marquis de Lucchesini.

Convention between his Majesty and the Emperor, signed at London, the 30th of August, 1793.

His majesty the emperor, and his majesty the king of Great Britain, finding themselves equally engaged in a war with France, and desiring to act conjointly and with vigour, in order to provide by that means for the common interests of their dominions, as well as for the general tranquillity of Europe, have determined to establish with each other a perfect and confidential concert and co-operation in every thing which may relate to that war. Their majesties have therefore named for that purpose their respective ministers; to wit, his majesty the emperor, the most illustrious and most excellent lord Lewis count of Starhemberg, count of the holy Roman empire, his actual chamberlain, and his envoy extraordinary, and minister plenipotentiary to his majesty the king of Great Britain; and his majesty the king of Great Britain, the most illustrious and most excellent lord William Wyndham, baron Grenville of Wotton, one of his majesty's most honourable privy-council, and his principal secretary of state for the department of foreign affairs; who, after having communicated to each other their respective full powers, have agreed upon the following articles:

Art. I.—There shall be, upon all points relative to the present war, the most perfect concert, and the most intimate confidence between the two high contracting parties; and they mutually engage to employ their forces, as far as circumstances shall permit, in the most efficacious manner, and to concert together upon all military operations, in order to annoy the enemy, and to contribute to the advantage of the common cause.

Art. II.—Their said majesties reciprocally engage to shut their ports against French vessels, not to permit, in any instance, warlike or naval stores, corn, grain, salted meat, or other provisions, to be exported from their said ports for France, and to take all other means in their power to annoy the commerce of France, and thereby to reduce her to just conditions of peace.

Art. III.—Their majesties engage to unite all their efforts to prevent other powers, who shall not take part in this war, from giving, on this occasion of common interest to every civilized state, any protection whatever, direct or indirect, in consequence of their neutrality, to the commerce, or to the property of the French, at sea, or in the ports of France.

Art. IV.—Their imperial and Britannic majesties reciprocally promise not to lay down their arms (unless by common consent) without having obtained the restitution of all the dominions, territories, towns, or places, which may have belonged to either of them before the commencement of the war, and which the enemy may have taken during the course of hostilities, or which may likewise have belonged to such of the powers, friends or allies of their said majesties, to whom they shall judge proper, by common consent, to extend this guaranty.

Art. V.—If either of the two high contracting parties should be attacked, molested, or disturbed in his dominions, rights, possessions, or interests, at any time or in any manner whatever, by land or by sea, in consequence and in hatred of the articles or stipulations contained in the present convention, or of the measures to be taken by the said high contracting parties in virtue of this convention, the other contracting party engages to assist him, and to make common cause with him in the manner stipulated in the preceding articles.

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Art. VI.—His majesty the emperor, and his majesty the king of Great Britain, engage to ratify the present convention, and the ratifications thereof shall be exchanged in the space of six weeks, or sooner if it can be done, to be computed from the day of the signature. Done at London, the 30th of August, 1794.

(L. S.) Louis Comte de Starhemberg.
(L. S.) Grenville.

Treaty between his Majesty and the Queen of Portugal, signed at London, the 26th of September, 1793.

Their Britannic and most faithful majesties having resolved, in consideration of the present circumstances of Europe, to substantiate, by means of a treaty adapted to those circumstances, their intimate and mutual confidence, as well as the friendship and good understanding, which have been so happily established between their august predecessors, and which they are always desirous more and more to confirm and improve, have named for that purpose; viz. his Britannic majesty, the most illustrious and most excellent lord William Wyndham, baron Grenville of Wotton, one of his majesty's most honourable privy-council, and his principal secretary of state, for the department of foreign affairs; and her most faithful majesty, the most illustrious and most excellent lord don John d'Almeida de Mello e Castro, member of the council of her most faithful majesty, and councillor in her council of finances, knight of the order of Christ, commander of Port Ancho in the order of Saint James, and envoy extraordinary and minister plenipotentiary from her most faithful majesty, to his Britannic majesty; who, after having communicated to each other their respective full powers, have agreed upon the following articles:

Art. I.—Their Britannic and most faithful majesties will employ their utmost attention, to re-establish the public tranquillity upon solid and permanent foundations, and to maintain their common interests and the security of their respective dominions: and their majesties engage to act in concert, and in the most intimate confidence for the accomplishment of these salutary ends.

Art. II.—The persons who have exercised the powers of government in France, having declared against his Britannic majesty, an unjust and unprovoked war, her most faithful majesty confirms the obligation which Portugal has contracted by former treaties, for concurring in mutual defence, and engages to furnish as an auxiliary power and ally of his Britannic majesty, all the succours which shall be compatible with her own situation and security, in order that they may act at the absolute disposal of his Britannic majesty.

Art. III.—In consequence of what is stipulated in the preceding article, and in order that the Portuguese and British vessels may be mutually protected during the present war, as well in their navigation as in the ports of the two high contracting parties, their Britannic and most faithful majesties have stipulated and agreed with each other, that their squadrons and ships of war shall convoy, without distinction, the trading vessels of the two nations, in the same manner as is established for those of their own nations, as far as circumstances may permit; and that both their ships of war and trading vessels shall be admitted and protected in their respective ports, and shall be furnished with all the succours of which they may stand in need at the current prices of the country.

Art. IV.—Her most faithful majesty promises to shut all her ports against the French ships of war and privateers, during all the time that France shall be at war with his Britannic majesty; her most faithful majesty will prohibit her subjects from exporting from her said ports for those of France, or from carrying to the ports of France, from any other port whatsoever, any military or naval stores, or even corn, salted meat, or any other provisions; her said majesty also engages not to give, nor permit to her subjects to give, any protection whatsoever, either directly or indirectly, to the trade or property of the French, on the sea or in the ports of France; and will take, in consequence of what is declared in this article, the most severe measures, in order to maintain the above-mentioned prohibition in its full force.

Art. V.—If either of the high contracting parties should be attacked, molested, or disturbed in any of their dominions, rights, possessions, or interests, at any time or in any manner whatsoever, by sea or land, in consequence or in hatred of the articles or stipulations contained in the present treaty, or of the measures to be taken by the said contracting parties in virtue of this treaty, the other contracting party engages to assist, and to make common cause, in the manner stipulated by the aforesaid articles.

Art. VI.—Their majesties, in consequence of the stipulations of the treaties now subsisting between them, as well as of those contained in this treaty, mutually engage, that in case, during the present war, either for the reason above-mentioned, or for any other cause, France should attack the dominions of her most faithful majesty, or her ships of war, or trading vessels, or should commit any hostilities whatever, they will not only make common cause in the said war, and afford to each other all possible succours, conformably to the said treaties, but also that, during the said war, they will shut their ports to all French ships whatsoever; and that they will not lay down their arms (unless by common consent) without having obtained a due satisfaction as well as restitution of all the dominions, territories, islands, or possessions, which shall have belonged to either power before the commencement of the war, and of which the enemy may have taken possession during the course of hostilities.

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Art. VII.—Their Britannic and most faithful majesties engage to ratify the present treaty, and the ratifications thereof shall be exchanged in the space of six weeks, to be computed from the day of the signature, or sooner if it can be done.—Done at London, the 26th day of September, 1793.

(L. S.) D. JOAÕ DE ALMEIDA DE MELLO E CASTRO.

(L. S.) GRENVILLE.

DECLARATION published by his Majesty's order, 29th October, 1793.

DECLARATION.

The circumstances, in consequence of which his majesty has found himself engaged in a defensive war against France, are known already to all Europe. The objects which his majesty has proposed to himself, from the commencement of the war, are of equal notoriety. To repel an unprovoked aggression, to contribute to the immediate defence of his allies, to obtain for them and for himself a just indemnification, and to provide, as far as circumstances will allow, for the future security of his own subjects, and of all the other nations of Europe; these are the points for which his majesty has felt it incumbent on him to employ all the means which he derives from the resources of his dominions, from the zeal and affection of his people, and from the unquestionable justice of his cause.

But it has become daily more and more evident, how much the internal situation of France obstructs the conclusion of a solid and permanent treaty, which can alone fulfil his majesty's just and salutary views for the accomplishment of these important objects, and for restoring the general tranquillity of Europe. His majesty sees, therefore, with the utmost satisfaction, the prospect, which the present circumstances afford him, of accelerating the return of peace, by making, to the well-disposed part of the people of France, a more particular declaration of the principles which animate him, of the objects to which his views are directed, and of the conduct which it is his intention to pursue. With respect to the present situation of affairs, the events of the war, the confidence reposed in him by one of the most considerable cities of France, and above all, the wish which is manifested almost universally in that country, to find a refuge from the tyranny by which it is now overwhelmed, render this explanation on his majesty's part a pressing and indispensable duty: and his majesty feels additional satisfaction in making such a declaration, from the hope of finding, in the other powers engaged with him in the common cause, sentiments and views perfectly conformable to his own.

From the first period when his most Christian majesty, Louis the 16th, had called his people around him, to join in concerting measures for their common happiness, the king has uniformly shown, by his conduct, the sincerity of his wishes for the success of so difficult, but at the same time so interesting an undertaking. His majesty was deeply afflicted with all the misfortunes which ensued; but particularly when he perceived, more and more evidently, that measures, the consequences of which he could not disguise from himself, must finally compel him to relinquish the friendly and pacific system which he had adopted. The moment at length arrived, when his majesty saw that it was necessary for him, not only to defend his own rights and those of his allies, not only to repel the unjust aggression which he had recently experienced, but that all the dearest interests of his people imposed upon him a duty still more important, that of exerting his efforts for the preservation of civil society itself, as happily established among the nations of Europe.

The designs which had been professed of reforming the abuses of the government of France, of establishing personal liberty and the rights of property on a solid foundation, of securing to an extensive and populous country the benefit of a wise legislation, and an equitable and mild administration of its laws, all these salutary views have unfortunately vanished. In their place has succeeded a system destructive of all public order, maintained by proscriptions, exiles, and confiscations without number; by arbitrary imprisonments; by massacres, which cannot be remembered without horror; and, at length, by the execrable murder of a just and beneficent sovereign, and of the illustrious princess, who, with an unshaken firmness, has shared all the misfortunes of her royal consort, his protracted sufferings, his cruel captivity, his ignominious death. The inhabitants of that unfortunate country, so long flattered by promises of happiness, renewed at the period of every fresh crime, have found themselves plunged into an abyss of unexampled calamities; and neighbouring nations, instead of deriving a new security for the maintenance of general tranquillity from the establishment of a wise and moderate government, have been exposed to the repeated attacks of a ferocious anarchy, the natural and necessary enemy of all public order. They have had to encounter acts of aggression without pretext, open violations of all treaties, unprovoked declarations of war; in a word, whatever corruption, intrigue, or violence could effect, for the purpose so openly avowed, of subverting all the institutions of society, and of extending over all the nations of Europe that confusion which has produced the misery of France.

This state of things cannot exist in France; without involving all the surrounding powers in one common danger; without giving them the right, without imposing it upon them as a duty, to stop the progress of an evil which exists only by the successive violation of all law and all property, and which

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attacks the fundamental principles by which mankind is united in the bonds of civil society. His majesty by no means disputes the right of France to reform its laws. It never would have been his wish to employ the influence of external force with respect to the particular forms of government to be established in an independent country. Neither has he now that wish, except in so far as such interference is become essential to the security and repose of other powers. Under these circumstances he demands from France, and he demands with justice, the termination of a system of anarchy, which has no force but for the purposes of mischief, unable to discharge the primary duty of all government, to repress the disorders, or to punish the crimes which are daily increasing in the interior of the country, but disposing arbitrarily of the property and blood of the inhabitants of France, in order to disturb the tranquillity of other nations, and to render all Europe the theatre of the same crimes and of the same misfortunes. The king demands, that some legitimate and stable government should be established, founded on the acknowledged principles of universal justice, and capable of maintaining with other powers the accustomed relations of union and peace. His majesty wishes ardently to be enabled to treat for the re-establishment of general tranquillity with such a government, exercising a legal and permanent authority, animated with the wish for general tranquillity, and possessing power to enforce the observance of its engagements. The king would propose none other than equitable and moderate conditions, not such as the expenses, the risks, and the sacrifices of the war might justify, but such as his majesty thinks himself under the indispensable necessity of requiring with a view to these considerations, and still more to that of his own security, and of the future tranquillity of Europe. His majesty desires nothing more sincerely than thus to terminate a war, which he, in vain, endeavoured to avoid; and all the calamities of which, as now experienced by France, are to be attributed only to the ambition, the perfidy, and the violence of those, whose crimes have involved their own country in misery, and disgraced all civilized nations.

As his majesty has hitherto been compelled to carry on war against the people of France collectively, to treat as enemies all those who suffer their property and blood to be lavished in support of an unjust aggression, his majesty would see with infinite satisfaction the opportunity of making exceptions in favour of the well-disposed inhabitants of other parts of France, as he has already done with respect to those of Toulon. The king promises, on his part, the suspension of hostilities, friendship, and (as far as the course of events will allow, of which the will of man cannot dispose) security and protection to all those who, by declaring for a monarchical government, shall shake off the yoke of a sanguinary anarchy, of that anarchy which has broken all the most sacred bonds of society, dissolved all the relations of civil life, violated every right, confounded every duty; which uses the name of liberty to exercise the most cruel tyranny, to annihilate all property, to seize on all possessions; which founds its power on the pretended consent of the people, and itself carries fire and sword through extensive provinces, for having demanded their laws, their religion, and their lawful sovereign.

It is then, in order to deliver themselves from this unheard-of oppression, to put an end to a system of unparalleled crimes, and to restore at length tranquillity to France, and security to all Europe, that his majesty invites the co-operation of the people of France. It is for these objects that he calls upon them to join the standard of an hereditary monarchy; not for the purpose of deciding, in this moment of disorder, calamity, and public danger, on all the modifications of which this form of government may hereafter be susceptible, but in order to unite themselves once more under the empire of law, of morality, and of religion, and to secure at length to their own country external peace, domestic tranquillity, a real and genuine liberty, a wise, moderate, and beneficent government, and the uninterrupted enjoyment of all the advantages which can contribute to the happiness and prosperity of a great and powerful nation.

Whitehall, 29th October, 1793.

DECLARATION published in the king's name and by his majesty's order, by their excellencies vice admiral lord Hood, the right honourable sir Gilbert Elliot, bart., and lieutenant-general O'Hara, his majesty's commissioners plenipotentiary at Toulon, 20th November, 1793.

We, the undersigned commissioners plenipotentiary of his majesty the king of Great Britain, do hereby publish, by his order, and in his name, the following declaration:

His Britannic majesty having been informed of the circumstances under which the town, harbour, and forts of Toulon, and the ships in the said harbour, have been entrusted to vice-admiral lord Hood, commander-in-chief of his majesty's ships and vessels in the Mediterranean, and of the declaration and proclamations published by the said vice-admiral, as well as of the declaration made to him on the part of the inhabitants and people of Toulon, has thought fit, for the entire satisfaction of the said inhabitants and people, and for the further explanation of his royal intentions, to declare as follows:

I.—When monarchy shall be re-established in France, and a treaty of peace shall be made and concluded, stipulating, in favour of his majesty and his allies, the restitution of all conquests made by France during the war,

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and a just indemnification for the losses and expenses thereby incurred, and a proper security for the future, his majesty will restore the town, harbour, and forts of Toulon, together with the ships and stores therein, according to the engagement entered into for that purpose by the said vice-admiral.

II.—His majesty has given directions, that the most effectual measures shall be taken for the protection of the persons and property of the inhabitants of the said town, and for procuring them the supplies of provisions, and other articles of which they may stand in need; and his majesty is also pleased to approve of continuing all persons who held civil or military employments in their respective places and occupations, as far as circumstances, and the good of the common cause, will permit.

III.—His majesty will do every thing in his power, and in concert with his allies, to repel any attacks which may be made against Toulon, and to extend his protection to all those who may be desirous to have recourse to it, under proper conditions.

IV.—His majesty ardently wishes the happiness of France, but by no means desires, on that account, to prescribe the form of its government. The king claims the right of taking a part, only because the anarchy which now desolates that country threatens the tranquillity of his own subjects, and that of the other powers of Europe, whose peace and safety materially depend on the re-establishment of order in France, and of a regular system, which may hold out to them a secure ground of negociation and friendship: and his majesty does not hesitate to declare that the re-establishment of monarchy, in the person of Louis 17th, and the lawful heirs of the crown, appears to him the best mode of accomplishing these just and salutary views. This form of government has not only prevailed in France from the earliest times, but being capable of such limitations as may suit the respective circumstances of different nations, has been proved by experience to be the best adapted in great countries, to unite the advantages of security and order with real liberty.

Such a system, subject to the wise modifications which may hereafter be made therein, in a regular and legal manner, when tranquillity shall have been restored in France, would afford to his majesty the best and most pleasing prospect of terminating the evils and miseries now endured by the French nation, and of the renewal of a regular and amicable intercourse between that country and other states.

It is to the attainment of this important object that all his majesty's measures will be directed; and his protection and assistance will be extended, as far as circumstances will admit, to all those who manifest their desire to concur in so salutary a work.

(Signed) Hood.
Gilbert Elliot.
Charles O'Hara.

Debate in the Lords on the Address of Thanks.] His Majesty's Speech having been read,

Lord *Stair* rose to move an Address of Thanks. He said, he felt it not only to be his duty, but that of every man at the present important crisis, generally to impress and enforce the sentiments contained in his majesty's most gracious Speech. When he considered the misfortunes of a neighbouring country, where the miseries naturally attendant on anarchy and confusion continued to prevail, and contemplated the security afforded by the laws and the constitution of England, he conceived that it would be degrading in the extreme to his country, to draw a comparison between the two nations. With respect to the sentiments breathed in his majesty's most gracious Speech, they were such as must meet the approbation of their lordships, when they considered the state of affairs with respect to France at the period when we engaged in the war, and what it was at present. When in consequence of the aggression of the French, we engaged in hostilities against that distracted country, she was in possession of the Austrian Netherlands, had taken Nice and Savoy, a great part of the Palatinate, and threatened Italy with invasion. The other powers of Europe were shocked and amazed at her schemes of aggrandizement, but inspired by our interference, those powers, with the additional hopes of retribution, proceeded to prosecute the war against France with vigour. The Netherlands in consequence were recovered, and Valenciennes, which the National Convention admitted to be the key to France, surrendered to the combined efforts of the allies, and the brave and spirited exertions of the British. Defeated on the Rhine, driven from Alsace, their armies destroyed, Valenciennes in the hands of the Austrians, and the Southern Provinces exhausted; in such a situation, we could not surely hesitate to prosecute the war with vigour. And as a further stimulus for the prosecuting another campaign, it should be remembered, that we have got a footing in St. Domingo, which, under the present able administration, he had little doubt would be followed by the conquest of that valuable island. He did not believe that at this moment, the French flag was flying in any one of the French settlements in the East Indies. The success of the British navy next demanded their

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lordships attention. Since the memorable battle of La Hogue, a more brilliant enterprise had not been achieved, than that at Toulon by lord Hood. The destruction of the arsenal and naval stores of the second sea-port in France was a circumstance that she could not repair her for years. It must necessarily cripple come, navy for the present and for years to and prove the most fatal blow that ever was struck at the French marine. It could not but be a pleasing consideration that while the French were thus crippled in their navy, ours was never on a more respectable footing. Great Britain had now the power of crushing France, and preventing her for years from troubling Europe. Her rulers had acted with the most unparalleled barbarity in their own country; they had razed Lyons, the first manufacturing town in France; they had determined that Toulon should share the same fate; but they had spared Bourdeaux, on condition that every man of property should deliver up that property, under the pain of being massacred if he concealed it. La Vendée was without a house or a human creature; and every inhabitant attached to loyalty had fallen a victim to his principles. Manufacturers were torn from their looms, and sent to the war; and the grain was seized from the poor, who were left to languish and starve, while their means of existence were seized and distributed among the troops. In addition to these afflictions, her internal trade was destroyed; he wished, therefore, to ask the advocates for peace, how it was possible, that a country thus distressed, could carry on a war against the combined powers and riches of Europe? Revenue she had not; and if she had, there were none who dared collect the imposts. Her lands had been sold and resold by her rulers; a second time they had plundered her churches; and as to the forced levies, many had reluctantly left Paris, but there were few who would return. War, he confessed, should not be the object of a commercial country; it was what every prudent statesman would avoid; but there were cases in which it would be madness not to have recourse to this extremity. Though our manufactures might receive a temporary check in consequence of the loss of the French markets, yet Spain, and every nation at war against France, was open to our manufactures. Our trade to the East Indies was more productive than at any former period. Who, then, would call upon the country to relax in her efforts to subdue a nation, that had almost, from the wickedness of her own rulers, subdued herself? Was there any noble lord, who, for the sake of a momentary repose, would risk the future security of a permanent peace? who would venture to wish for peace, when the consequences might be the introduction of anarchy and confusion into this happy country? If France were to depart from her recently avowed principles, if she would disavow her declared design of meddling with the constitution and government of other nations, every friend to his country would wish to make peace with her and leave her to herself; but in the present situation of affairs, he was convinced that nothing but the most vigorous perseverance would secure permanent tranquillity. Impressed with these ideas, his lordship moved an Address, which was an echo of the Speech from the throne.

Lord *Auckland* conceived, that as every noble peer must feel with the noble lord who had spoken last, the propriety and policy of the sentiments contained in his majesty's most gracious Speech, it was unnecessary for him to consume much of their time, in enlarging on a subject which had been so amply illustrated. In taking a view of the subject, he would abstain from acrimony of expression; the crimes and calamities of France were such as to beggar all language, to outrun the imagination, and to set description at defiance. He would equally abstain from details; the mad excesses of the French, had so long absorbed every other subject of thought and conversation, that it was not easy to suggest any thing new respecting them. He would endeavour to appreciate the real situation of affairs. If that situation were well understood, he could with confidence repose himself for the final result of the war on the wisdom of parliament, on the good sense of the people of England, and on that general attachment to our happy constitution, which so remarkably displayed itself in the present crisis. His opinions would lead him to offer to the House, on the fullest reflection, a chearful view of the question, and reasonable grounds of hope. He then recapitulated the advantages gained; he laid some stress on the importance of the frontier towns of France, taken by the allied armies. With respect to the

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French colonies, there was reason to believe that many of the most valuable of them would soon belong to Great Britain. He was not inclined to consider the French navy as contemptible; but ours, by the efficient exertions of the admiralty, was become greatly superior; he believed he might add, that more men had been raised for the English navy, in the course of the last twelve months, than in any year of any former war; and recently a blow had been given to the naval power of France, in those seas where she lately rode out triumphant to an extent which, in ordinary times, would have been thought a full compensation for the expense of a whole campaign. He would add, that many considerable powers had joined us in a cause which affected the honour and essential interests of every government of every description.—If we could stop here, he said we might flatter ourselves with a speedy return of that tranquillity which had lately been driven from men's bosoms, and in the place of which the French had presented the most hideous dream of sedition, rapine, and murder. We must, however, look to the position of the enemy, as well as to our own; and he confessed himself to see with anxiety, though not with discouragement, the new invention of raising an armed force by the operation of popular tyranny. The rising in a mass was certainly a terrible expedient, and the more so, as it could not be imitated by nations who retained a respect for law, for justice, and humanity: but it carried with it its own antidote, as it could not easily be repeated, and exhausted the country which employed it. He could render justice to the talents of the present leading regicides, and to the ability with which their combination against God and man, against the liberties and religion of the world, had been formed and conducted. It was, however, the pressure of their crimes and of their situation which had prompted them to this desperate and unheard-of exertion. They had used confiscation, imprisonment, and massacre, as the means of filling their treasury, of enforcing their paper currency, and of completing their armies. History showed examples of great nations over-run and swept from the face of the earth by hordes of barbarians; in the present age, all the ferocity of barbarism had been engrafted on the corruption of polished society, and supported by the modern arts of war, by all the advantages resulting from the force of language, and the invention of printing; and above all, by that perversion of principle which seeks the destruction of every thing valuable or respectable; and certainly, no army could be more formidable, whilst it lasted, than an army of robbers and murderers. Perhaps it was no paradox to say, that against such an army, the progress and result of the war would not entirely depend on the number of our victories, or on the extent of our conquests. The surest mode, perhaps would be, in resisting their progress, till they should ultimately defeat themselves by sinking under their own unnatural exertions. — Under such circumstances, would any noble lord advise his majesty to open a negociation for a peace or for an armistice? Such a proposition was big with absurdity, folly, and dishonour. It supposed a compact with men who, by their perfidious seizure of our merchants property, contrary to the commercial treaty, had shown themselves regardless of public faith, and who had established it as a principle, that what they called a free people, ought not to be restrained by any compact whatever. Supposing a treaty to be made with them, would it be possible to disarm on the faith of such a treaty? Would it be expedient, for the sake of such a treaty, to renounce the prospects which we now had of taking their foreign possessions? They had declared that they would build large fleets: in such a moment, and with a great superiority on our part, would it be wise to withdraw our fleets, in order to give to France the means of completing hers?— There was another possible mode of conduct, but so grossly dishonourable, that he was ashamed to mention it; he meant the withdrawing our armies from the continent; the consequence of which would be, that the Austrian Netherlands and the United Provinces would fall into the possession of the regicide hordes, and of such malignant and desperate adventurers as might be collected from every other nation. From that hour, every port now open to our trade between Denmark and France, would be in the same state as the unfortunate town of Bourdeaux; and all the ports of Holland would be crowded with pirate vessels, manned by the refuse of France, and paid by the pillage of Amsterdam. It had happened to him to see the near approach of the calamity which he was now describing:

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it had been prevented by the wise exertions of the king's ministers and of the republic of Holland; but from what he had since seen in general Dumourier's printed correspondence, it was evident, that, if the French army had succeeded in passing the Moerdyck, their general would have employed with effect the riches, resources, and local advantages of the United Provinces, and would have mocked every effort to drive him again out of Holland. He laid much stress on this point, because he thought that much must depend on maintaining the continental war with the utmost vigour and effect; that there was no other mode of effectually crushing the unprovoked hostilities which France had begun, and was driving against us: that there were possible cases of insular policy, in which our interests might differ from those of the continent; but he would venture to assert that the day which should see the Austrian Netherlands and the United Provinces completely possessed by France, would not long precede the general confusion of Europe, and ultimately the downfall of Great Britain. He might, perhaps, be asked whether he would continue the war, so long as the confusions of France should continue? He would answer, that the war had not, on the part of England, been a war either of ambition or expediency, but of strict necessity; and that he would continue it, not so long as the confusions of France should continue, but so long as those confusions should profess and struggle to extend themselves over every other country. Our situation called for the union of whatever was wise and respectable in parliament; for the union of all the power, faculties, and exertion of the nation. He felt strong hopes that the event would be decidedly favourable to our prosperity and security. He saw France destroying herself by exertions, which he trusted would end in her ruin, before she could effectuate the ruin which she malignantly sought to carry to other nations; he saw her beggared by the dereliction of her manufactures, commerce, and agriculture; torn by civil dissensions, depopulated by maintaining fourteen armies, by famine, by emigration, by a general depravity of manners, and above all, by that permanent massacre which had prevailed from the 2nd of September 1792, and which was called in France "a continued exercise of a revolutionary power." Nor was it possible that she could long maintain her expense, without taxes, or the power of imposing taxes. It appeared by the late reports of the Convention, that her expenses in one month were equal to the war expenses of England in a year. On our part, the prospect was the reverse. The interior of the kingdom was opulent and prosperous; new markets were opening for our merchants and manufacturers in the Mediterranean and in the West Indies; and our income was such, as to have produced in the last year a larger sum than was stated by Mr. Pitt in 1791 as the probable peace revenue. Lastly, there was some encouragement in the consciousness of a just and righteous cause. On the whole, he trusted, that, by the blessing of God, Great Britain would add to the best and brightest pages of her history, the glory of protecting the independence of Europe, and of preserving the whole system of civil and religious society and the existing and future ages of mankind, from the miseries with which the French pestilence has menaced them. His lordship concluded by seconding the motion for the address.

The Earl of *Guilford* said: It is impossible that any noble lord can refuse to congratulate his majesty upon the bravery of his army and navy; it is impossible that any person can withhold his congratulations upon the success of his majesty's arms by sea and land; and it is equally impossible that any loyal subject should wish to keep back that aid which may be necessary to obtain every just and honourable object that his majesty may be in pursuit of; but when it is proposed to support his majesty in the prosecution of the war, it becomes the dignity and wisdom of this House to consider the object and end of it. When it was first proposed to prosecute the war with vigour, the avowed object of it was the protection of our allies and the security of these kingdoms: but sorry am I to hear, that that object is now changed, and that nothing less is professed this day than the restoration of monarchy, as it was established under the old government. It is of little consequence in whose person it is to be established, and vain are the efforts, if they are made only to substitute Calonne for Robespierre or Danton. When lord Hood negociated with the Toulonese, and when they were induced to receive him into their port, it was under the express stipulation of supporting the con-

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stitution of 1789; but of the constitution of 1789, which has been properly styled a "stupendous fabric of human wisdom and virtue,"* and against which our allies on the continent have declared war, we this day hear not a word. If lord Hood was not authorized to propose the terms which he offered, his public declaration to the people of France is a scandalous reflection upon the government of this country. Does the address propose that we should prosecute the war for the protection of our allies? Has Holland once entered into the minds of his majesty's ministers, or the noble lords who with so much eloquence supported the address? It is but too obvious from the language which they have used, that the objects which they have in view are widely different from those by which they lured the public into this unfortunate war. Let us, however, for a moment suppose that the end which they wish to obtain is the protection of Holland and of Great Britain against the incursions of the French republicans, could not this have been as effectually obtained, by negociation as by warfare? When that had failed, it would have been time enough to commence hostilities; and there are few, I believe, who are not now convinced that the safety of Holland would have been better secured by the conciliating voice of our ambassador at Paris, than by the thunder of cannon. It may be said, that the moment I allude to was not the most favourable, that the French were at that time so elated with their astonishing successes, that they would have listened to no terms which the dignity of Great Britain, and her good faith to her allies, could have permitted her to offer. The history of that period, and the language and efforts of her ministers, ambassadors, and generals, afford a complete refutation of such an assertion. But let us even here again concede to those who are of this opinion. We know of another period, the circumstances of which can give no support to such an argument: were they not sufficiently humbled in the course of last summer, by a retreat as speedy and disastrous as their march was rapid and victorious—When their army had been half destroyed, and the remains of it had been almost totally disorganized —when they had been driven from Brabant, and had been unsuccessful from Western Flanders to the Rhine—when several of their provinces had been invaded, and their most important fortresses had been subdued, is there a noble lord who does not believe that they would have been eager to listen to such terms of peace as became the dignity and justice of this country to offer?—Much has been said of the signal advantages we have gained over them, and the certain prospect we have of a speedy peace, by vigorously exerting the strength and applying the resources of this country in the prosecution of the war. Our advantages, I much fear, will be greatly counterbalanced by the expenses we have incurred, and the losses sustained by our traders and manufacturers. If we also compare the conquests made by the allies with the present position of the French armies, it is much to be feared, that the former have not much to boast of. May it not reasonably be inquired, whether we have not already obtained the end which we proposed; and after the obtaining of which, his majesty's ministers repeatedly and solemnly declared they would pursue every measure that should tend to procure a speedy, safe, and honourable peace? Our allies, the Dutch, are in perfect security. The French have been driven from their territories, and confined within limits, beyond which we ought not to attempt to pass. The noble lords admit, that they have made the most stupendous efforts, and such as have astonished all Europe; but this, rising in a mass, say they, cannot be repeated. It is a violent convulsion which must exhaust the nation, or, at least, so far weaken it, as to bring it to a low pitch of humiliation. The same causes, my lords, will produce the same effects. The pressure of an invading enemy only bends the bow to give the arrow a greater force. Their extensive territories we are all acquainted with; their vast numbers, and great internal resources, are unquestioned; and whatever may be their dissensions and massacres, we find them capable of bringing into the field, troops that have successfully opposed the best disciplined armies in Europe. What reason have you to believe, that those troops which they will oppose to us in the next campaign, will be less disciplined, or worse appointed than those we have already had to contend with? History teaches us that experience makes the soldier, and practice often leads to victory.—There is another argument ad-

* See Vol. 29 p. 249.

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duced to encourage us in the prosecution of the war, arising from the destruction of the ships and naval stores at Toulon. The noble mover says, that this alone will compensate us for all our losses and expenses incurred during the war; and whatever may be their future form of government, they will not for many years, perhaps an age to come, be able to disturb the tranquillity of this country. To estimate our gain by the losses of the French is not the most accurate method of calculation. I cannot see how the reducing of France to poverty will enrich Great Britain. Was it for the purpose of making a partition of France amongst the allies, that we so benevolently interfered? Was it then, for the purpose of destroying her wonted consequence, that we so humanely interposed our fleets and armies in behalf of Louis 17th.? Is it to reduce her for the future to the lowest degree in the scale of nations, whatever may be her form of government, that we are to prosecute this disastrous war? Our allies may, perhaps, owe us some obligations if this be the case; but no Frenchmen of any description, royalists or republicans, can thank us after having discovered this cloven foot. The arguments suggested in favour of the continuance of the war may in general be reduced to two heads: the policy of it, and the necessity of it. The policy of it, if there be any, must be founded upon some present gain, or future advantage that we are to reap from it. Circumstanced as the two countries are, our interest would be promoted by its prosperity, rather than ruin. A neighbouring nation, desolated and impoverished, can hold out no advantage to this country, whose prosperity depends upon the flourishing state of her trade and commerce. If you dry up the resources of France, you destroy your own markets. If you desolate her, she will have no commodities to exchange with you, or money to purchase what you have to sell. But be the policy what it may, if it be not founded in justice and in honour, it should be spurned by a nation hitherto famed for those distinguished virtues. The arguments adduced to prove the necessity of continuing our warlike operations against France, may be reduced to three heads. It is said, that we must go on; first, because it is necessary to oppose the progress of the French arms; secondly, it is necessary thereby to prevent the propagation of French prinprinciples: thirdly, we must persevere, until such a government can be established that will induce us to treat, under the fairest prospect of obtaining a lasting and honourable peace. I mean not to deny, that the progress of the French arms was at one time very alarming. It threatened the annihilation of the Dutch, our most valuable allies; and if it had not been timely checked, it might have endangered the salvation of this country. The state of things is however quite reversed; the French are separated from them by a sufficient distance: and some regard ought to be paid to their public declarations, "That they do not mean to interfere in the internal government of any country, nor will they make war upon any nation that is not the aggressor." But have ministers calculated the force and the resources by which they are to accomplish this important end? Much reliance, no doubt, must be placed upon the assistance of our allies; but our hopes cannot be much brightened by the prospect of assistance from those whom we are obliged to subsidize for their own preservation. It is notorious to all Europe, that the resources of Austria are exhausted. The Emperor can no longer levy fresh imposts upon his subjects, and he is left to the precarious support of private benevolences. As to the king of Prussia, his distresses are no secret in Europe. It is well known that he either cannot, or will not contribute any material assistance to another campaign. From whom he expects assistance I know not; but I know the parliament of great Britain will hesitate before they tax their own husbandmen and manufacturers, to ease the burthens of the peasantry of Brandenburgh. But it is urged, that we must at any rate prevent the importation of French principles, that are destructive of the peace of every civilized government. The doctrine is not more exploded, that you cannot make converts by the sword, than that you cannot prevent the dissemination of political, or any other principles, by the aid of arms. But what more apt means than those used by the allies could have been devised to spread the false philosophy of the French, which is justly reprobated by every wise and good man? If you wish to crush the Jacobins of this country; if you desire to render abortive the machinations of a British convention; if, you would impress upon the minds of his majesty's subjects, a sense of the inestimable blessings resulting from our ex-

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cellent constitution, prove to them that they have a government that will secure to them their liberty and property, together with all the advantages of peace and prosperity. It is in vain that you tell them the British Constitution is the wisest and best that was ever framed; you must make them feel that they actually enjoy under it those advantages which it is calculated to afford them. Lastly, It is said that you have no persons to treat with who have the power or inclination to secure to you a lasting peace. If I were asked who those are with whom we ought to open a negociation, I would answer, those men (be they whom they may) who have the direction of the arms and of the force of the country. If you offer them terms which are safe, they will close with you, and the treaty which it is their interest to conclude, the same interest will bind them to observe. No difficulty ought to arise from the form of the government with which I propose you should negociate peace. We are at peace with governments that bear a strong resemblance to that now existing in France. We have treated with those of the same description, and we are actually in alliance with Dantzick. I shall, therefore, submit the following amendment to the address; "That this House do thank his majesty for the gracious declarations which he has been pleased to make of the views and principles by which he is guided, in the prosecution of the present war; but they hope his majesty will seize the earliest opportunity to conclude a peace, by which the permanent safety of his subjects, and the independence and security of Europe may be provided for; and that they humbly hope no difficulty may prevent the attainment of so desirable an object from the form of government which may be established in France."

The Duke of *Portland* said, he felt it incumbent upon him to give something more than a silent vote upon the present occasion. He had, at the commencement of the war, acknowledged his opinion of the justice and necessity of it; and he was now more convinced of both. He thought it the duty of every man to concur in strengthening the hands of government, as a vigorous prosecution of the war appeared to him the only means of saving the country, and bringing the war to an honourable and favourable issue. He did not know to what the amendment could tend, unless it went to recommend a breach of all the treaties which existed between this country and foreign powers—a measure which it would be dishonourable for this country to pursue, and which must ultimately end in our ruin and disgrace.

Earl *Spencer* said, that he meant to vote for the address, for the same reason as the noble duke, being persuaded of the justice and necessity of the war, and that the preservation of every thing that was valuable in civil society depended on it. He was extremely sorry to be obliged to sacrifice old friendships, and to abandon political connexions with those with whom he had long been in the habit of acting; but such a sacrifice, painful as it was, must be made, when conscience and the most deliberate reflection convinced him that at so momentous a crisis every other consideration ought to give way to the welfare of his country. He acknowledged that he felt particular pain in separating himself from a gentleman, whose amiable qualities in private life had long since entitled him to his warmest regard, and whose eloquence and ability in parliament he contemplated on the present occasion with admiration, mixed with emotions of affliction, because the gentleman to whom he alluded had appeared to him to have governed himself since the revolution in France by principles closely connected with those which had given birth to conduct and practices in that country so disgusting to humanity, and so full of horror. Great therefore as the sacrifice was, he felt it his duty to make it, and could not help uniting, with every other well-wisher of his country, to strengthen the hands of his majesty's ministers in support of the sentiments that day delivered from the throne. He would therefore support the Address, and joined in the just tribute of praise to his majesty's ministers for the merit and ability of their conduct during the last campaign. They had achieved that which in the reign of queen Anne was generally considered as a master piece of policy; indeed, they had even effected a greater combination of powers to oppose the progress of the French carnage and devastation than formed the grand alliance of that era; they had also in a great measure stopped the mischief of the dissemination of French principles and doctrines, so subversive of all peace and tranquillity, the effects of which had abolished religion and humanity in France. He reprobated the idea of making peace with those who denied the

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existence of a God, and had declared perpetual war against all states where the laws of civil government opposed a barrier to their wild and extravagant system of equality—a system founded in the grossest absurdity, and maintained by murder and rapine. The war appeared to him to be just and necessary. He was therefore for a vigorous prosecution of it, as the only means we had of preserving the constitution of this country, and securing the tranquillity of Europe.

The Earl of *Coventry* said, if the ministry of this country did not oppose the mad politics of France, if they did not put a stop to the wild enthusiasm of the Republic, if French principles prevailed, our wooden walls would be rendered useless, and all the property in England would not be worth five years purchase. What would have been the consequence had the arms of France over-run the United Provinces? He would not hesitate a moment to assert that Britain would fall; her proud navy would not be able to protect her. He would not say, as the Roman patriot did of old *delenda est Carthago*, but *minuenda est Gallia*; a truth so undeniable, that it needed not an argument to illustrate or establish its verity. For these reasons, he gloried in the cause in which ministers had embarked, and assured them that they should have his steady support.

The Duke of *Norfolk* said, there was no man more anxious for the maintaining our happy constitution than he was, yet he could not induce himself to suppose that those imaginary dangers warranted ministers in continuing the war. He hoped, since he had often been told in the last session, that they embarked in the war to protect the United States, that when they had accomplished their object, they would have withdrawn their troops, or else contented themselves with forming a barrier to protect those allies for whom we were so dreadfully alarmed. But he was sorry to hear the object now disclaimed and lamented to see the country plunged into a continental war, which was likely to exhaust her finances, and which had already involved the people of this country in such unheard of calamities. He was convinced that there were no danger of the introduction of French principles into this country. The people saw too dreadful an example in France to imitate such conduct here. He condemned the obstinacy of ministry in rejecting all negociation with France; since that alone could save the blood of Europe, and terminate these dreadful calamities.

The Earl of *Derby*, in voting for the amendment, wished that it would admit of even yet stronger language. He expected that ministers would have defined the object of the war; for his part, he could not conceive why it was continued. Was it to extirpate republicanism, and establish royalty in France? If so, we must wait for the extirpation of every man in it. He could not ascertain the amount of our losses in men on the continent, but he could state that the sufferings of our manufacturers and traders were very great. He did not see what advantages we were to derive from this war. What had been the conduct of our allies? Was not Austria crippled in her resources, and had not the emperor been notoriously disappointed in his application for the voluntary aids of his subjects? Did the declared poverty of the king of Prussia promise a wider extent of warlike preparations? He had declared that he would not enter the field again unless paid by this country. Russia had, indeed, joined in the opinion that it was a common cause, in which all kingdoms and every people were alike interested: but her good wishes were the sole aids furnished by that enlightened and liberal potentate. When he thought of the powers we were to subsidize, he was at a loss to conceive how far this complaisance might carry us. Would our resources suffice to keep up the bankrupt armies of all Europe? He was very strenuous for a peace, and as to the persons with whom we were to treat, we must treat with those who are entrusted with the executive power of France. He abhorred the atrocities they had committed, but the love of peace should predominate over every other consideration, and it was the duty of ministers to effect it.

The Earl of *Kinnoul* voted for the Address, and said he would give ministers his most firm and zealous support in prosecuting the war.

The Earl of *Mansfield* said:—I shall not tire your lordships with the repetition of sentiments which I have more than once declared, I will only say, that if among many signal advantages, there have been some unfavourable events, if unforeseen obstacles have obstructed the progress of the arms of our allies, these circumstances operate upon my mind only as additional incentives to engage me to give to the government of my country, my

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feeble, but most cordial and zealous, support, in the prosecution of this just and necessary war. I give it in the full confidence that ministers will steadily pursue the line of conduct so clearly and so strongly marked in his majesty's speech from the throne. I give it, in the confidence that with steady perseverance, with manly fortitude, with wise, spirited, and well-directed exertions, they will prosecute the war, till the great objects of it shall be attained. It gave me much satisfaction to find those objects so clearly pointed out in the speech from the throne, as I have often been apprehensive that they are not sufficiently understood by the country at large; nor is it always remembered how essentially this war differs from every other in which this nation has been engaged. As to the origin of the war, it began by the unprovoked aggression of France. It is continued, not from motives of resentment, not merely to obtain satisfaction and indemnity for ourselves and our allies for the injuries received. That is, no doubt, one feature in this business, but not the principal feature, as I conceive. This is not my lords, a war of ambition or conquest; or, if it be a war of ambition, it is the noblest ambition that ever actuated the mind of man. Its great object is, to restore the blessings of order and government to France, and, by that restoration, to secure to ourselves and the rest of Europe, those blessings which order and government can alone bestow. Our great aim is to resist and defeat the wild attempts of those who have declared it to be their deliberate purpose to "disorganize" Europe, as they call it: that is, to subvert this and every other regular government; to trample upon all property; to break all the ties of civil society; to deprive men of every present comfort, of every future hope, and reduce them to the same wretched level with themselves. We wage war with those who are not our enemies alone, but who have declared themselves *hostes humani generis* by their avowed conspiracy against the general interests of mankind. I recollect at the moment, that in a vapouring letter, addressed by a M. Fouche to the committee of safety, he says, "let the republic act as one great volcano pouring forth its destructive lava upon this infamous island." Strong as the expression may seem, it gives an imperfect idea of the mischief they would certainly bring upon us, if God, in his vengeance, should give them the power. Torrents of lava, as we all know, work but partial destruction but if they could effect their purpose by the dissemination of their principles, the contagion of their example, and the introduction of anarchy like theirs, the certain consequences must be immediate universal ruin. If I have been at all successful in stating the true objects of the war, it is clear that the amendment proposed militates against them all. By endeavouring to catch at momentary delusive repose, you will double all the evils you wish to repel; you will, in a word, surrender the fortress by receiving the enemy within its walls. I contend, that a lasting peace with France, in its present situation, is impossible in the nature of things. It is as clear a proposition as any in Euclid, that you cannot treat, you cannot make alliance with anarchy. The noble earl has said, very truly, that you may treat with an usurper, and has given some instances where we have done so. History furnishes us many more; most of the great nations of Europe treated with Cromwell, but Cromwell had permanent power. There, my lords, is the true distinction. The conditions of peace are, in their very nature lasting engagements. You cannot then, in sense and reason, enter into such engagements with those, who, from the instability of their situation, have no prospect of being able to perform that for which they engage, I again repeat—*non meus hic sermo*—you may, and, under the present circumstances, I think you must wage war with anarchy; peace and alliance with her you cannot make. How frequently the scene has shifted in France your lordships need not be told. Consider for a moment who they were with whom you must have treated, had you attempted a negociation some months ago. What is become of those leaders now? They have vanished from the scene; they have fallen by the keen edge of that tyranny which themselves contributed to raise; guiltless, perhaps, of the crimes for which they suffered, they perished by the most equitable of all laws. "*Necis artifices arte perire sua.*" Would Robespierre and his adherents have thought themselves bound by any engagements the Girondists had formed? Is there more stability in the condition of Robespierre and his crew? Why should that be supposed? Is it because there has been more rapine, more plunder, more cruelty, more violation of every right, more fla-

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grant outrage of every kind? Would they who overturn this tyranny to substitute a tyranny of their own, respect the conditions of a peace made by the tyrants they had deposed? St. Just, one of the most moderate orators of the Convention, had used this expression; Let Britain awake, and we will assist her to get rid of kings." I hope my lords, this and every subsequent day will show that Britain is awake; that she feels the warmest gratitude for the numberless blessings we enjoy under the illustrious family called to the government of these kingdoms. We have learned from long and happy experience, that, for a great country like this, limited monarchy constitutes the best and wisest government that can be framed. We know, and did know even before the sad example of France, that a wild and lawless democracy is the sharpest tyranny that can be endured by man. But my lords, with all reverence to monarchy be it spoken, he has a very narrow and imperfect idea of this great contest, who conceives it to be merely the cause of kings. No, it is a much greater cause, it is the cause of order, of society, of government, of religion, and law, against that wild phrensy that labours to subvert and destroy them all. Having formed a powerful confederacy to oppose a barrier to such madness, shall England desert the cause? Forbid it every principle of reason and policy; forbid it every sentiment of honour, every feeling of humanity!

The Earl of *Hardwick* said, he should not have troubled the House at so late an hour, if he had not felt that there was at the present time a call almost irresistible upon every man, who had at any time had an opportunity of stating his opinion in public, to stand forth and declare his sentiments, at a moment the most alarming, to the safety of this country of any that had occured since the commencement of the present century. At that period, the nation was engaged in a contest for the security of the Protestant religion, for its rights and liberties, and not only for its own rights and liberties, but for the rights, liberties, and independency of the nations of Europe. It was contending for those great objects, against the overgrown power and exorbitant ambition of the French monarchy; it was contending for them at the instance of one of the wisest, ablest, most patriotic, most ill-treated kings, that ever sat upon the throne of this or of any country. The events of those times must be so familiar to the recollection of every one, especially from the remarkable analogy which many of them bore to the events of the present day, that it was in some degree necessary to apologise for alluding to them; but he trusted their lordships would allow him to point their attention more particularly to one or two paragraphs of the last speech which was delivered by king William to the English parliament: a speech so much admired by every friend to the Revolution, that it was printed in the English, Dutch, and French languages, and was preserved for many years as an ornament and a decoration in many houses in England and Holland, and considered as the king's last legacy, not only to his own subjects, but to all Protestant people. The speech begins, by stating, that "the king promises himself that parliament is met together full of that just sense of the common danger of Europe, and the resentment of the late proceedings of the French king, which had been so fully and universally expressed in the loyal and seasonable addresses of his people."* It then proceeds to describe the indignity offered to himself, and the whole nation, by setting up the pretended prince of Wales, which so nearly concerned every man who had a regard for the Protestant religion, or the present and future quiet and happiness of the country. The next paragraph of the speech, was so peculiarly descriptive of the situation in which this country would be placed, with respect to the rest of Europe, if the power of France could not be restrained within due limits; and expressed in such strong and intelligible language, the extent to which the island was interested in the affairs of the continent, that he desired the liberty of reading the whole of it to the House: "By the French king's placing his grandson on the throne of Spain, he is in a condition to oppose the rest of Europe, unless speedy and effectual measures be taken. Under this pretence, he is become the real master of the whole Spanish monarchy; he has made it to be entirely depending on France, and disposes of it as of his own dominions; and by that means he has surrounded his neighbours in such a manner, that though the name of peace may be said to continue, yet they are put to the expense and inconveniences of war. This must affect England in the nearest

*See Vol. 5 p. 1329.

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and most sensible manner, in respect to our trade, which will soon become precarious, in all the valuable branches of it in respect to our peace and safety at home, which we cannot hope should long continue; and in respect to that part which England ought to take in the preservation of the liberty of Europe, king William then proceeds to say: "It is fit I should tell you, the eyes of all Europe are upon this parliament; all matters are at a stand, till your resolutions are known; and therefore no time ought to be lost." Then follow these remarkable words; "you have yet an opportunity, by God's blessing, to secure to you and your posterity the quiet enjoyment of your religion and liberties, if you are not wanting to yourselves, but will exert the ancient vigour of the English nation; but I tell you plainly, my opinion is, if you do not lay hold on this occasion, you have no reason to hope for another." The noble earl then proceeded to urge, that unfortunately this was precisely the situation in which Englishmen stood at present. If we did not lay hold on this occasion, we had no reason to hope for another. If we were not able, engaged in the same cause with the greater part of Europe, and contending for every thing that was dear and interesting to mankind, to check and restrain the overgrown and unnatural power, the restless ambition, and the vindictive spirit of the French Republic, when could we hope for another opportunity? And dangerous, indeed, would be the attempt to make peace, unless the power of France to injure her neighbours was considerably diminished, and our power to confirm the security and tranquillity of Europe considerably strengthened and confirmed. But it was rather singular, that the impracticability of making peace with the French Republic, in its present convulsed and uncertain state, should not only be admitted, but stated in the strongest manner, by a person fully competent to judge of it; and that, in this country, the supposition of a treaty being practicable or prudent, should be urged by so respectable an authority as the noble earl who moved the amendment. He alluded to M. Brissot, who had published in Paris, in May last, a letter to his Constituents, which the prevailing party in that free and envied country suppressed, imprisoned its author, and since executed him, without hearing his defence, in company with one-and-twenty of his colleagues. In this remarkable letter, M. Brissot observes, that the nations of Europe cannot treat with anarchy; and whatever may be thought of his own motives for it, recommends, in the strongest terms, the re-establishment of order, for the purpose of restoring a government, in which foreign powers may confide, and with which they may treat with security for the re-establishment of the peace of Europe. It was for the establishment of such a government that we were now contending, and not for any particular form of government, or for the dismemberment of the country, and if the united efforts of so large a part of Europe were unable to accomplish the destruction of a system so hostile to every principle of order, liberty, and public happiness, there was an end of all regular government, and of every thing that was essential to the existence of civil society.

Earl *Stanhope* said, he had heard several noble lords pledge themselves to give their support to ministers in the prosecution of the war: he would pledge himself to give that war his determined opposition, as meddling with the internal government of France, with which we had no right to interfere, and as being unjust, ruinous, and unnecessary. He should therefore give the amendment his firm support; but as he thought the words in which it was put, might not be fully understood, he gave notice, that on Thursday next he should move an Address to his majesty, to acknowledge the French Republic.

The Marquis of *Lansdown* said, that he thought he saw pretty evident marks of a change in the public sentiment, respecting the war. Sure he was, that when men came to reflect coolly, they would be convinced that it was unnecessary in its commencement, and highly impolitic in its continuance. As for the speech delivered from the throne, considering it the speech of the ministry, he would oppose the greater part of it; little, very little of it, was there to which he could give the smallest approbation. Noble lords had asserted, that this war was totally different from any other in the history of this country. He could find but one which it strongly resembled, and which was nearly the destruction of England, the war with America. Though this war was carried on perhaps injudiciously, he was certain that was much worse. The ministers said they were ignorant how they should pro-

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ceed; with whom they should treat. Before they made such assertions, let them ask general Wurmser, if there was no existing government in France? Let them ask the duke of Brunswick and the king of Prussia! Let them ask my lord Hood and sir Gilbert Elliot! let them ask the Royalist army of La Vendee! let them ask the unfortunate Lyonese! let them ask the Spaniards, retreating before their arms! all these he was afraid must confess there was a government; and he greatly feared that it would not be long before the prince of Saxe-Cobourg, and the duke of York, must allow that there was a government in France. It did not require much of the spirit of divination to pronounce a year ago, what would be the fatal consequences of involving the country in a war against opinions; the avowed object of which was to repel unprovoked aggressions, but the real one was to prescribe laws to an independent country. Whether the speech from the throne would remove or confirm the delirium that had been produced in the public mind, he could not take upon him to say; but it certainly contained information that must be acceptable to all that preferred war to peace. The amendment did not exactly correspond with his ideas, although he gave it a preference to the Address. The horrid outrages that had been perpetrated in France, particularly in the island of Noirmoutier, were owing to the delusive hopes the royalists entertained of assistance from this country: they discovered their error when too late. The tragical event that took place, he chose rather to allude to than to mention. These outrages, he was sorry to say, seemed to be terminated only by the extermination of one of the contending parties. The noble marquis complained of the sort of contempt and personal odium endeavoured to be thrown on the leading characters in the convention, and said it was similar to the idle conduct that had been held with respect to the congress in America, during the mischievous war with that country. He said, it was weak and foolish to talk of English morality, in contradistinction to the conduct and manners of the French republicans. The fast-day was approaching, and though he was not fond of party discourses from the pulpit, he should be glad to hear a sermon on a text, which he had always considered as one of the best parts of the scripture, viz. the parable of the pharisee and the publican.

The Earl of *Lauderdale* said, he felt uneasy at rising to speak to the quetion, from a painful recollection of the rash conduct of the ministry, in not offering an alliance and treaty with France, and from the recollection how the ministers had treated the negociations of the republic, and the shameful and indignant manner with which they dismissed the minister, sent by the republic, to enter into alliance with this country. He called on noble lords to consider the situation of the country, and to recollect how materially different the measures of ministers had been in the last campaign to what they declared to be their object in the next campaign. The war was engaged in to protect the country of the allies from invasion, that they declared to be the object; but had they kept that in view? Did the declaration of lord Hood and sir Gilbert Elliot at Toulon show that to be the object? Did the capture of the fortified towns in the Netherlands manifest that to be the only motive? No, it was evident they wished to establish the old government, and that the revival of monarchy in France was what induced ministry to persevere in hostilities. But he did not hesitate a moment to assert, that if this was the object they had in view, the campaign was conducted with inability by ministry, and that they had let slip the only opportunity of effectuating their wish, namely, the time when the duke of York, and Saxe-Cobourg, were advancing to the internal part of France. Had they persevered then, had they marched forward to the capital, the Convention might have trembled for their safety, the republic might have shuddered for its existence. But they omitted the only period for success, and gave the victorious arms of the republic an opportunity of destroying the only remaining friends of royalty in Brittany and La Vendee. A noble duke had asserted, that this war was different from any we were ever engaged in; that its object was the support of religion and happiness, and that it was on our part solely defensive. For his part, he never dreaded the introduction of French principles in this country; but as to the latter assertion, could the noble duke be serious when he said, that the capture of the fortified towns in the Netherlands showed it to be defensive? Did the attempt of sending troops into the West demonstrate that this was our object? Did the capture of Toulon, and the consequent

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declaration, show this to be the motive? No: the establishment of monarchy in France, was the object which ministers wished to effectuate! but each day should convince them of the little expectation they could indulge in accomplishing such an event. What, he asked, was the situation now of the Republic, compared with what it was when we embarked in this ruinous war? The resources of Austria, of Prussia, and of England were then greater, the enemies of France were more numerous; but now their internal enemies were destroyed, we could hope for nothing from the quarter of the royalists; the disaffected Lyons was razed to the ground, the inhabitants exposed to misery, and Toulon recovered to the republic. In a word, no internal enemies now remained to distract and weaken their exertions.—The only argument made use of by the ministers, was the difficulty and the danger of treating with the government in France. This was the argument made use of when the rashness of former ministers had brought England to the verge of ruin, during the American war. What, said the minister, is the British nation to brook to treat with a Hancock? What, say ministers now, shall the nation treat with a Robespierre? If it was asked, with whom we were to treat? He replied, assuredly with the ruling power. There were some consequences of the war not, indeed, immediately connected with the question, but of a nature so lamentable, that he could not pass them by on the present occasion. The alarm spread by ministers had been made the ground of a system of persecution. The revolutionary tribunal in France was looked on with horror and disgust; but what had been the conduct of the courts of justice in this and the neighbouring countries? Had we not heard of the most extraordinary sentences? Were such cruelties ever remembered in the history of our country? What man could respect that constitution which must be protected, by the friend becoming a spy on the actions of his neighbour, and the hours of domestic conviviality being subjected to a state inquisition. In that country to which he belonged the courts of justice had exceeded every thing that imagination could picture; but the illegality of their proceedings would be an object of future scrutiny. He would not anticipate the painful history which would be laid before them; but this was one of the consequences of this ruinous war. The writings of Mr. Paine, which for two years were let pass with impunity, were now attacked by the provident ministry, and the most horrible persecutions were entered into to support their impolitic ambition; but what was it, that brought about in France that revolution we so often lamented. It was the enormous severity of punishments; it was the dreadful oppression of the poor. Did the minister of this country take then the true way to prevent the introduction of French principles? He embarked in a war which weighed down the people with taxation; and he introduced a system of severity which must make them detest not admire, the noble constitution of Great Britain.

The Earl of *Carlisle* wished to be heard, in order to notice what had been said by the last noble lord. His majesty's ministers had been charged with having neglected their duty, in having refused to negociate with M. Chauvelin for securing the continuance of peace with France; but M. Chauvelin had no powers to treat for, or secure peace. M. Chauvelin had come to this country merely to disseminate sedition, not to negociate peace; but all his attempts were vain: he found the people loyal, satisfied, and happy; and returned to France with the unwelcome report, that it was impossible to prevail on British subjects to lessen their affection for their sovereign, and love for their constitution. The amendment conveyed an unwarrantable reflection on ministers. Its object was, to recommend a speedy peace with France, as if they did not desire it; and were they not anxious to conclude it the moment there was an opening for a permanent and secure peace? But could such a peace be negociated with men who set religion and every moral obligation at open defiance, who gloried in atheism?

Lord *Grenville* said, that the principal point for his discussion was the question that had been so frequently repeated, "Whom are we to treat with?" He would give their lordships a satisfaction more complete than any surmises or arguments of his; he would give them the opinion of M. Brissot, a man confessedly at the head of a party, whose policy brought the unhappy monarch of France to the scaffold, and whose crime was by Robespierre stated to be the plunging of France into a war with this country. The executive power, thus according to Brissot, is, "any sanguinary monster, who, in

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the revolutionary insurrection of a mob, is the most ferocious and the most unprincipled." If we could have acceded to terms proposed by Brissot, can we suppose that Robespierre would not have found it easy to convert into criminal accusation the making peace with a tyrant, in direct opposition to the will of the Convention? But what was the opinion of M. Brissot as to our aversion to negociate? Hear his own words: "The absurd and impolitic decree of the 19th November, which very justly excited uneasiness in foreign cabinets." Here you have a justification, by the author of the war, of the feelings and the conduct of the allied powers. He adds, throwing the infamy of that act upon the anarchists, the death of the king was an impolitic measure, which, with the massacres of the 2nd of September, alienated from them all the neutral powers. If they were even inclined to descend to negociate with the present men in power, Robespierre would tell you then they could not do so, unless certain previous stipulations were complied with: by a decree of the Convention, France cannot make peace with any power that holds one foot of her territory; previously, therefore, to negociation, the allies must give up the fortresses they have taken, and, once affiliated, Brabant, Savoy, and Nice must be put in possession of the republicans. In the West Indies we must abandon Cape Nicola Mole, and in the East we must evacuate Pondicherry, and every other conquest which manifests that their power in India is annihilated for ever.—His lordship then touched upon the permanent nature of the revolutionary power, and again quoting the opinions of M. Brissot, showed that it struck at every thing like authority and order, and that the sinews of its power were confiscation and rapine. But the noble earl seemed to be completely unacquainted with the present state of France. If he thought that the people were unanimous in any thing, he would tell him, that from the commencement of the revolution, a period of more violent dissension never existed; nor were the minds of men ever more averse to what pretends to be the executive power of the country. Notwithstanding the dreadful denunciations of the merchants, and every description of persons one degree better than the Sans Culottes at Bourdeaux, at Marseilles, and at Lyons, so little dependence could they place on the affections of the people, that at Lyons for instance, not one wretch could be found sufficiently depraved for their confidence, and Paris was obliged to supply the municipal officers of the South. In the capital two committees were struggling for the ascendancy; and they were deceived, who imagined that the faction which had discomfited Brissot, would not speedily fall before a more bloody rival. That the present successful men perceive the same necessity for order as their predecessors, and labour to obtain it, is so ludicrously proved, that, to the astonishment and laughter of all mankind, we find the merciful Robespierre become the advocate of the Christian religion. Men formerly thought themselves successful in the cause of freedom when they destroyed the Bastile: at the time of its demolition only two state prisoners were then incarcerated in it. Look at the prisons of France,—at the present moment more than 200,000 persons were the victims of suspicion and the revolutionary power. In Paris the gaols, the abbeys, every den which they could convert to the safeguard of the only men of worth in France, was full of those unhappy objects of diabolical vengeance, and about 5,000 persons were now languishing in the dungeons of Paris. He concluded with declaring, that he entertained the firmest confidence in the ultimate success of the allies; and that, feeling the noble task which that House was then met to perform, he deduced from the decision of that night, and the blessing of Providence upon their councils, the restoration of order and government to France, and the preservation of the laws, the religion, and the liberties of Europe.

The House divided on the amendment: Contents, 12; Non-Contents, 97. The Address was then agreed to.

List of the Minority.

Duke of Norfolk	Earl of Guilford
Duke of Bedford	Earl of Albemarle
Marq. of Lansdown	Earl Stanhope
Earl of Derby	Earl of Egmont
Earl of Lauderdale	Lord St. John
E. of Cholmondeley	Lord Chedworth

Debate in the Commons on the Address of Thanks.] His Majesty's Speech having been read,

Lord *Clifden* rose to propose an Address to his Majesty. He could not, he said, expect much opposition to the motion he

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should submit to the House, as it went only to acknowledge doctrines that were incontrovertible, and to admit facts that were notorious. None could oppose the Address, he thought, who did not maintain that we were to desert all our allies, and make peace, or at least endeavour so to do, without their concurrence; and this was a measure too much fraught with dangerous consequences to admit of defence. The power of France was at once, he contended, both the offspring and parent of misery and mischief; massacre and rapine were the objects of her pursuit, and the infallible consequences of her dominion. If, therefore, we were to permit the present grand alliance of Europe to dissolve, this consequence would ensue, that France, in her present situation, being more than a match for the powers of Europe separately, would over-run every state, and spread her frantic system of desolation at length into this island. We might not be the first sacrifice; but assuredly neither we nor any existing power in Europe could long escape her dominion. No one, he thought, could doubt of this, who considered the present character of France, as evinced both in her avowed principles and undisguised acts. Peace, every friend to his country most certainly wished for; but it must be a peace in fact, and not in semblance only. At present it was not to be obtained with safety; and any suspension of hostility would prove a most destructive delusion. Among the many acts of horrid atrocity in which the present Convention of France gloried, it was impossible not to remark one, which partook, however, of the attribute of justice. Brissot and his faction planned and accomplished the murder of his sovereign and the destruction of monarchy. This same Brissot, and the accomplices of his deeds, had ignominiously perished on the scaffold they themselves had erected and supplied with victims. In this fact, he saw not only justice, but a warning to those who might think lightly of monarchy; a power so essential to the security of property and the protection of individuals. It was no small satisfaction, to find the feelings of the people of this country so consonant to sound reason and their true interests. The protection which the constitution afforded them, they gratefully repaid by attachment and submission; all the malicious endeavours of the disaffected had failed; the good sense and honest disposition of Englishmen had been proof against them all. The wise and vigorous measures adopted in the last session, had been productive of the most beneficial consequences to the peace and prosperity of this kingdom: by them the Jacobinical faction which lurked among us had been expelled. In Ireland, efforts no less daring and violent had been resorted to by the same agents, or those actuated by the same principles; but the power of reason rose pre-eminent over the intrigues of villainy and anarchy, and the tranquillity of these countries were now, he trusted, happily secured from all innovation; to render which permanent, to maintain our national honour and character, and to make the whole civilized race happy, were objects which, he had no doubt, a firm perseverance in the war would secure. The war, he contended, was not only just and politic, but forced on us by a necessity which left us no choice. The circumstances of the war, were neither discouraging nor dishonourable. The territories of our allies had been, since the period of our being forced to take a part in it, restored and protected; our commerce had suffered no material curtailment; the disposition of a great majority of the people was friendly to the laudable pursuit of suppressing the reign of outrage, bloodshed, and rapine: and the system on which our sanguinary foes carried on the war, could not be of long duration, as their desperate resources must have their limits.—The noble lord concluded with moving,

"That an humble Address be presented to his majesty, to return his majesty the Thanks of this House, for his most gracious Speech from the throne.

"To assure his majesty, that the circumstances under which we are assembled will not fail to command our most serious attention, as we are sensible that, on the issue of the contest in which we are engaged, depend the maintenance of our constitution, laws, and religion, and the security of all civil society.

"That we have observed, with satisfaction, the advantages which have been obtained by the arms of the allied powers in different parts of Europe, and the change which has taken place in the general situation of affairs upon the continent since the commencement of the war; and that we must, in a particular manner, congratulate his majesty on the valuable possessions which have been acquired from

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the enemy; on the undisputed superiority at sea, which has enabled his majesty to afford such effectual protection to the commerce of his subjects; and on the important and decisive blow which has been given to the naval power of his enemies, under circumstances which reflect the highest honour upon the conduct, abilities, and spirit, of his majesty's commanders, officers, and forces, both by sea and land.

"That the system from which our enemies have derived the means of temporary exertion, founded as it is upon the violation of every principle of justice, humanity, and religion, evidently productive of internal discontent and confusion in France, and tending rapidly to exhaust the natural and real strength of that country, appears to prove, in the strongest manner, the necessity of vigour and perseverance on our part, and to afford in itself a just expectation of ultimate success.

"That we must undoubtedly join with his majesty in regretting the necessary continuance of the war; but that we are persuaded, that it would be inconsistent with the essential interests of his majesty's subjects to look to restoration of peace on any grounds but such as may provide for their permanent safety, and for the independence and security of Europe; and it is impossible for us not to perceive, that the attainment of these ends is obstructed by the prevalence of a system in France, equally incompatible with the happiness of that country, and with the tranquillity of all other nations.

"That we acknowledge his majesty's goodness in having directed to be laid before us copies of the declaration which his majesty has thought proper to issue, and also of the several conventions and treaties which his majesty has concluded.

"That we most cordially rejoice that his majesty has so much reason to reflect with satisfaction on the steady loyalty and firm attachment to the established constitution and government, which, notwithstanding the continued efforts employed to mislead and to seduce, have been so generally prevalent amongst all ranks of his majesty's subjects. That the zeal and alacrity of the militia to provide for our internal defence, and the distinguished bravery and spirit displayed on every occasion by his majesty's forces both by sea and land, are the natural result of these sentiments, and might well be expected from a brave and free people, animated by the example of his majesty's illustrious progeny, and sensible of the value of those blessings which it is the object of all our exertions to preserve.

"That, although we must, at all times, lament the necessity of any additional burthens, we feel it our indispensable duty to make a speedy and ample provision for the public service; and that we shall endeavour to defray those expenses, which the exigencies of the time must require, in such a manner as to avoid, as far as possible, any pressure, which could be severely felt by the nation.

"That his majesty may be assured that, in all our deliberations, we can never lose sight of the true grounds and origin of the war: we have been called upon by every motive of duty and self-preservation to repel an attack made upon his majesty and his allies, founded upon principles which tend to destroy all property, to subvert the laws and religion of every civilized nation, and to introduce universally that wild and destructive system of rapine, anarchy, and impiety, the effects of which, as they have already been manifested in France, furnish a dreadful, but useful, lesson to the present age, and to posterity.

"That we are sensible that the discontinuance or relaxation of our exertions could hardly procure even a short interval of delusive repose, and could never terminate in security or peace; and we trust, that all his majesty's subjects, impressed with the necessity of defending whatever is most dear to them, and relying with confidence on the valour and resources of their country, on the combined efforts of so large a part of Europe, and above all on the incontestible justice of their cause, will study to render their conduct a contrast to that of their enemies; and by cultivating and practising the principles of humanity, and the duties of religion, will endeavour to merit the continuance of the divine favour and protection, which have been so eminently experienced by these kingdoms."

Sir *Peter Burrell* rose, and said:—After the very full and detailed account which we have this day heard delivered from the throne, of the transactions of the last campaign and of our present situation, after the judicious manner in which the noble lord has recommended this motion, the House will perhaps think

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it unnecessary for me to trouble them much on this subject; nor should I do so at all, were it not from a conviction, that it is not sufficient for a man, standing forward in these times, barely to assent to propositions that are made; he is called upon to give the grounds and principles on which that assent is founded. I rise to second the motion on this important occasion, from an earnest desire of taking the earliest opportunity to declare, that the sentiments I professed at the outset of this momentous war, remain unaltered in the smallest particular. I considered it then, I consider it now, as a war, not of England against France, but as a war undertaken in concert with our allies for the defence and preservation of every part of the civilized world, and to repel, by force of arms, an hostile and unjustifiable aggression, on the part of the French; having previously tried all the means of negociation to prevent it, that honour and prudence could dictate. At the commencement of this revolution in France, it was natural men should be divided in their opinions; it might have been expected by some, that order and happiness would quickly arise from that ferment, which makes an essential part of every rapid and complete change of a long-established government; they might anticipate the ends, and believe the professions of the first promoters of a system, they in the gross admired. But I trust, that beyond the influence of the guillotine, there does not exist a human being, with an honest heart and sound judgment, who approves of the present system in France, or can sincerely wish it one instant's success. — The theories of Marat, from which the French themselves at first shrunk back with horror, they are now putting in practice, with the utmost exultation and joy; and the murder of her citizens forms the chief amusement of every principal town; even at the moment they are awarding punishment to their deserted coadjutors, though the punishment is approved, they equally disgust mankind by the modes of their proceeding. Their conduct immediately subsequent to the battle of Jemappe, gave convincing proof of their object and intention, viz. to overthrow every established government on earth, and to erect themselves into a supreme power, on the ruins of civilization. We learn from history, that great and flourishing nations have been subdued, whose power appeared to bid defiance to every attack; we learn that hordes of barbarians poured at different times, from the different parts of the earth, and established their own barbarous policy and manners, on the destruction of all knowledge and refinement; but it was reserved for the present age, to afford the monstrous example, of a people great in power, riches, and splendour, looked up to by the nations of the earth, loved by some, feared by many, and imitated by all, at once arming themselves against the dearest and best interests of mankind; with all the madness of innovation, to replunge that world into the grossest darkness and barbarism: with minds more ferocious than the most savage nations of antiquity, they unfortunately possess all the increased powers of acting, which man derives from the arts of civilization. The effect must be, for a time at least, in proportion to two such causes— In the situation this country stood with regard to France, at the end of the year 1792; all farther negociation became useless, from the persons momentarily possessed of the power in France, from any hopes of success, or from any chance of permanent safety, even if peace could have been obtained. The truth of this has, I think, been demonstrated by subsequent events. Freed from all human and divine obligations, the French scorn to comply with any condition they make, and laugh at the credulity which trusts them. There was nothing I dreaded more than the treacherous calm a long negociation would then infallibly have occasioned. I should tremble now at the stagnation of men's minds on this important subject, when the safety of the civilised world is a point at issue. The French had spoken out; it must have been folly or madness, or something worse than both, not to have understood them. Had we been cajoled into a base and ignominious neutrality, our destruction in the end was equally decided on. If the laws, the property, the political existence, the morality, and religion of Europe, are to be destroyed, what does it signify whether they perish by the hands of a Brissot or a Robespierre, an Egalité, or a Danton? Even to talk of peace at this moment, would appear to me imprudent in the extreme. What end could it answer, but to throw distrust and jealousy amongst the allies; to weaken our own exertions, by distracting our minds, and consequently to defeat the object which it

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pretended to be in view? — This great question of order against anarchy, must be fought out now to the last, or be lost for ever; and if it be fought out with vigour on our parts, I have no doubt of success. Have we forgotten, that the French declared war; that they have solemnly vowed the extermination of us, as a government and as a people? We are certain, therefore, of their will; the power, we trust they have not. But, Sir, what ground is there to expect peace? Have the French offered it? No. Can we, in the present moment, solicit it? I think it impossible. The only chance of obtaining it would be by submission; which the situation of our affairs is as far from making necessary, as it must be contrary to our inclination voluntarily to offer. If you wish for a specimen of French forgiveness, look to the city of Lyons. What have we to dread the chance of from this contest, that does not necessarily follow from submission? What have we to expect from a country, where terror has usurped the seat of justice; where bare suspicion constitutes guilt, and accusation proof? If this is to become the degraded state of mankind, lost, indeed, is the cause of suffering humanity! From this time forward all things must change their essence and their name. I trust, however, it will be otherwise, and that the issue of this contest will be such, as the feelings of the greater part of Europe give us reason to expect. I assert that England has no choice left; that personal safety, as well as political existence, make it necessary to strain every nerve in this contest, independent even of a hope of indemnity; nay, even if there were serious doubts of final success. It is, however, some consolation, amidst this scene of horror, that we may look to victory in the end, to indemnity for our loss, and to permanent security as the consequence of both.

The French government having seized, directly or indirectly, every species of real and personal property, and having enforced, under the severest penalties, the personal service of each individual, the effect of such an effort has certainly been great, but not greater than might have been expected: though the promptitude with which that measure has been taken, made it impossible for the allies, acting under a system of regular laws, to meet it in the first moment with a commensurate exertion. Surrounding nations ought to have, and can have, but one common interest. The danger may threaten more immediately particular points, but it is not far enough removed from any part of Europe to afford any substantial consolation from its distance. The safety of the continent is the safety of England, and the success of England insures the preservation of the continent. It would be idle to flatter ourselves, that the prosperity and power of England would long survive the subjugation of the Austrian Netherlands and Holland by the French.—To form an opinion of our present state, we must take a short review of some of the leading features of the last two years. From the battle of Jemappe, France became mistress of Austrian Flanders and Liege, and delaying for a time her attack on Holland (which was always in view) she pushed her operations on the Rhine, took Mayence and Frankfort, and threatened an irruption still farther into Germany; her treatment of Geneva must not be forgotten; Savoy and Nice fell under her dominion; she insulted and made preparations against Italy; attacked Sardinia; visited Naples with a fleet too strong to be opposed by any force then in the Mediterranean sea; and conducted herself towards Spain and Portugal in a manner which demonstrated the vast projects she had formed. Intoxicated with success, she thought the powers of Europe would crumble to dust at her feet. There was at that time too much foundation for her hopes. England was not only unprepared for war, but her peace establishment had been pared down, and (by the repeated advice of all parties) to the lowest possible degree; and for this curious reason, as it has turned out, that from France, our old inveterate and natural enemy, at all times, and under all circumstances, there was nothing to apprehend.—The full and detailed account which we have this day heard from the throne, makes it unnecessary for me to give a particular view of the last campaign, or our actual situation at present; it would be tiring the House with repetition. But thus much I must observe, that if the situation and power of France and England, at the beginning of 1793, be compared with the situation and power of France and England at the commencement of 1794, the last campaign has proved the most disastrous to France, and the most solidly beneficial to England, of any on record. It is but just now

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we are beginning to be in a state which admits of our acting with vigour. Our preparations are rapidly advancing, and our losses, though ever to be sincerely lamented, have been but few in number; so much so, I should be justified in stating, that notwithstanding all the advantages the French have lately obtained, the whole effective force of Great Britain is as entire as before the war broke out, relatively increased in a great degree, and that a larger share of it has been called into action in a shorter time than the history of the country affords an example of. In the interim, it is no small advantage to the cause of order against anarchy, that the French have been for the most part driven back within their own frontier, that France itself has in a great extent been the theatre of war, and that they have been compelled to make those exertions in their own defence, which they were preparing to employ for the destruction of their unoffending neighbours. In addition to every other evil with which this struggle is pregnant, the chief end of victory to the French, is revenge; they do not even wish to gain what the vanquished lose; content and happy if the consequence of their success is one wild, dreary waste of total devastation; and in the prosecution of their object, the miseries of France itself equally delight the promoters of this plan, for the overthrow of mankind. — Whatever may have been, or may be, the success of the French, that success does not alter in the smallest particle the principles they follow; principles which must be opposed, and which can never be combated with more advantage than at the present time, by the powerful alliances which have been formed against them. The French have changed themselves into such a state, that their only hope is to reduce all Europe to a still worse. Ruin the immediate end, and terror the means, what class of her people have escaped the gripe of this ferocious power? Having destroyed their clergy, they have rooted out religion from their land; having annihilated their nobility, they have confiscated the property of both: they have wrung from the hands of the farmer the produce of the sweat of his brow; the riches of the merchant conducts him to the guillotine; the shopkeeper is obliged to sell his stock at an arbitrary price, fixed by the capricious will of despotic power; and the lower orders of the people are pinched by present want, and all the horrors of approaching famine; the dreadful effects of their own credulity and rashness. I state this, that the nation at large may know the wretched situation the French would prepare for them, even as allies; a situation which French principles naturally lead to. What, then, have we to expect from them as our bitterest enemies, prompted by all the little and malignant passions which the wicked always feel, when thwarted in their horrid purpose. I most heartily second the motion for this address to his majesty, to offer our most zealous and constant support in the prosecution of this momentous and necessary war, for the preservation of justice, policy and religion.

Mr. *Sullivan* could not give a silent vote upon this occasion. All the motives which had induced us to commence this war, obliged us to continue it. Trivial successes of our enemies ought not to discourage us; for it should be remembered that the resources we had to contend with were not regular ones, but were agonizing convulsions, which resembled those of the natural body, that must bring on dissolution. If the force of the allies continued to be well directed, there was no doubt but the dissolution of French anarchy would soon take place.

The Earl of *Wycomb* said, he was not of those who approved of the present war. He still thought that we might have avoided it, and saved the lives of persons, whose fate it had been the fashion in this country to lament, and that these great objects might have been obtained without any concession inconsistent with our national dignity. Whatever might have been the general opinion on the commencement of the war, there could, in his judgment, be but one on the result, and this must be, that the object was unattainable. We fought with all Europe at our back. Our navy, singly opposed to that of France, was superior, and yet every one of our expeditions had failed, and our commerce had been, almost invariably, left to the protection of chance. Of the attempt on Martinico, it must be said that it was inadequately planned and shamefully executed; and in such a degree as to form in his mind a fit subject for parliamentary inquiry. The island of Jamaica had been so neglected, that if the French fleet had looked into those bays our commerce must have been destroyed.—The next point to which he wished to call the attention of

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the House was, the situation of the coast of America. When it was considered how large a trade was carried on directly with the ports of the United States, it must appear matter of astonishment, that the enemy should have had almost the uninterrupted range of that coast. Much injury had actually been sustained, and were it not for the insubordination of the crews, the fishery of Newfoundland, the Quebec convoy, and Halifax itself, might have been exposed to the depredations of the slender force which the French possessed. — Not much more vigilance could be observed in transactions nearer home. He would not speak of the operations of the channel fleets; of the arrival of a West India fleet, whilst lord Howe was in port or in Torbay; nor of the defenceless state of the Channel; as these were points which must be present in every gentleman's mind, and would, no doubt, meet with their due weight. He wished, however, to say a few words respecting the operations carried on against Dunkirk. If it were true that the siege was undertaken contrary to the opinion of great and respectable military authorities, and that the operations of the allies were weakened in other quarters upon that account, it behoved ministers to show what advantages they thought likely to accrue to this country from the accomplishment of the enterprise. Had it succeeded, it might have proved a source of future wars and future disagreement. Did any man, acquainted with the nature of the place, imagine that it could have been secure? The project of attacking Dunkirk by sea, if any such existed, was ill-judged. All that should have been required of the navy was, to observe the port strictly. That service would have been better performed by light ships cruizing off the ports. Of the West India expedition, he should have entertained every hope from the abilities of the commanders; but their force had been so maimed and curtailed previous to their final departure, that he doubted if ministers themselves could entertain any very sanguine hope from their exertions. The conduct of ministers to neutral powers would form, he trusted, another object of serious investigation. He alluded particularly to the order of council, for intercepting American ships laden with the produce of the French colonies. The late speech of the president showed, that the Americans were not disposed to be trifled with; and from his knowledge he could aver, that there was no circumstance which the Americans would be inclined more strongly to resent, than such an attack on the freedom of their commerce. He could wish that gentlemen at the present moment would be more sparing in their sarcasms on the French nation. The revolution in that country, with all its excesses, had operated an important revolution in human affairs, of which it was impossible to foresee the result. If ministers were afraid of the progress of French principles, they should recollect, that the best means of obtaining security at home, would be to establish tranquillity abroad.

Colonel *Tarleton* rose and said:—After the longest recess which has occurred since the commencement of this parliament, we are at length assembled to testify our approbation of the measures which have been adopted during so important and critical a period. If parliaments are made only for the minister, or if a general vote of credit and confidence becomes a customary compliment from this House as often as the minister shall think fit to desire it, parliament must at last grow despicable in the eyes of the people. Then a proclamation might be easily substituted in its stead, and happy would it be for the nation if that were sufficient: for when parliament ceases to be a check upon ministers, it becomes a useless and unnecessary burthen on the people. Are our thanks to be solemnly returned for losses, disgraces, and defeats? Are the burthens of our constituents to be increased to support quarrels in which we have little or no concern? Is Great Britian now teeming with treasure which she cannot otherwise employ? Are her millions therefore to be poured forth with a rash and desperate hand in purchasing beggarly allies, and maintaining mercenary armies? I believe it will be granted to me, that the commerce and riches of England, did never during any period, increase so fast, as from the conclusion of the American war to the commencement of hostilities with France. If the ingenuity and labour of our countrymen, or the confusion which prevailed in other countries, or any other causes were productive of this happiness, its farther increase surely should have been nurtured and encouraged with unbounded attention and kindness, till Great Britian could in some measure reduce the public debt, which the American war had occasioned.

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It will, Sir, I believe be admitted also, that we are a commercial people, and that great part of the revenue must arise from manufactures, outward-bound trade, and domestic circulation. Commerce likewise, I believe, will be allowed to be the offspring of peace, for commerce is just as much compelled to make retrenchments during war as a mariner is to reef his sails when squalls threaten and the horizon is darkened. In proportion, therefore, to commercial people, as peace is a blessing, war must be a curse. We must not foolishly forget likewise, the difference of our burthens at the commencement of the American and the present war. We commenced the war with America under a debt of 135 millions; we start now under the pressure of 260 millions. Having given a sketch only of our own situation, let us direct a momentary attention to the affairs of Europe. The situation of France preceding all hostilities rendered a civil war inevitable, and Europe might have looked on in safety and in peace. This mighty people, weakened by internal divisions would have been no longer formidable, and the process of their experiments on governments would have been fruitful of lessons of the greatest importance; but the German princes met at Pilnitz, and agreed to invade France the first convenient opportunity. This treaty was discovered, a civil war was prevented, the monarchy of France was subverted, and to use the language of a nervous and elegant writer, "the banner of Jacobinism waved triumphant." At this period, Great Britain was the asylum of commerce and of peace. She was the store-house of the world. Her manufactures were demanded in all countries. Her ingenuity and industry justly entitled her to pre-emption in every quarter, and ensured to her the riches and friendship of the universe. Besides these flattering appearances, her naval power and her insular situation pointed her out as the arbitress of Europe.—With such opportunities of viewing her late misfortunes, during and immediately subsequent to the American war; with such ample means of ascertaining the interest of this extensive empire, and the relative situation of Europe and the world, what a dreadful infatuation was that, which embarked our commerce, our manufactures, our revenue, perhaps our constitution itself, the source of all our blessings, in this frantic crusade of despotism and superstition against anarchy and enthusiasm! In whatever manner this war shall terminate, we can reap nothing but misfortune and affliction; and in the issue of it we may learn, that no human government, however sanctioned by experience and wisdom, can withstand the folly of those who foolishly and profligately administer its affairs both foreign and domestic.—Having pointed out the impolicy of the war, and glanced at the means which were adopted to plunge this nation into such a calamity, it is the indispensable duty of this House to investigate the manner in which it has been conducted. When the British lion was rouzed, the world predicted he would make his enemies tremble. Where are the traces of the energy, which became the dignity of a mighty nation? After twelve months of hostility, can we boast of one vigorous effort? No! We can only speak of paltry, feeble, and ineffectual operations, and of devoted detachments. If a powerful body of troops, such as foresight, skill, and method might have mustered in England, Scotland, and Ireland, had been debarked in the summer at the mouth of the Seine, and from thence pursued its march (keeping its communications always upon the river) towards Paris; whilst the Prussians, Austrians, and the other continental allies, were engaged in operations on the frontiers, and the royalists were making exertions at Lyons, in the country of La Vendée, and elsewhere, much good might have resulted. We should have ascertained the real situation of the royalists! We should have had an opportunity of yielding them essential assistance. Our principal fleet might have rode triumphant in the channel, and would have served the two-fold purpose of protecting our own trade, and injuring that of our enemies. We might have tempted the Brest fleet to a disadvantageous action. In all human probability, we should have deranged all the enemy's projects, both in the cabinet and the field; and we certainly should have proved our own energy, by bringing the war to a successful issue, or we should have been able to draw a fair inference, that the combined attempts of the crowned heads of Europe against France, were rash, futile, and ridiculous.—When, therefore, will the members of this House exert their vigour? When forced by some necessity? Just God! What more urgent necessity can there be to freemen, than the disgrace attendant on misconduct? Will you patiently submit to have your manufactures and commerce interrupted,

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and suffer indecision and confusion to prevail throughout all your preparations? Will you allow ministers to preside, who have neither plan nor foresight in any of their projects? Men who are the slaves of circumstances, and who let opportunities perpetually escape them! Witness the first expedition to the West Indies! Witness the delays and consequent defeats which attended the British arms in the neighbourhood of Dunkirk! Witness the expedition under sir Charles Grey, which was starved and crippled, because its distance precluded the arrival of good news before the meeting of parliament? Witness the late embarkation which hovered over the coast of France, and which will be recorded in the blood of the peaceable inhabitants of Britanny and Normandy, where the guillotine was provoked into bloody operations on well-affected, and helpless individuals! Witness the miserable and disgraceful evacuation of Toulon! where an hon. baronet, a member of this House, a considerable alarmist, although he could scatter alarm and terror through a British parliament, could neither as commissioner at Toulon, communicate confidence to our allies, nor transfer a panic to our enemies! After this country had experienced many evils both at home and abroad, during the summer, a whimsical declaration was given to the nation and to Europe, full of plausible statements and palpable contradictions. This balloon manifesto, for I can give it no other title, as it does not bear his majesty's name, was launched into the world on the 29th of October. No man, I believe, will contradict me, when I say that if that declaration had enjoined his majesty's subjects to do, or to abstain from doing any one act which his majesty, by his prerogative, is competent to authorize or forbid, under the present circumstances, no penalty would attach upon those who should disobey injunctions conveyed to them in a manner so loose, vague, and unauthenticated.—After the various efforts employed during a campaign the most destructive which the annals of mankind can transmit to posterity, what an awful lesson the present situation of the combined powers offers to the world! It may reasonably be concluded, that if Great Britain had not surrendered herself to the artifices of ministers, who employed the phantom of alarm to unhinge the good sense of this country, a very different picture would now have been exhibited. The Austrians and Prussians, and their German allies, would early in the spring have discovered their own inability to conquer France. Their armies, in all probability would have been defeated: their pecuniary resources would certainly have been exhausted; and, as far as circumstances can justify foresight and opinion, the sword of desolation would now have been sheathed, which threatens the destruction of the human race. Of what importance is it whether at Maubeuge or upon the Rhine the Austrians behaved well or ill? However this question may be decided, it is not less true, that at Salamis, at Platæa, and at Thermopylæ, some few thousand Greeks made resistance against millions of Persians; and that then was perhaps displayed, for the first time, that great and illustrious truth, that the love of our country is capable of giving birth to actions which seem to be above the powers of human nature. To what a melancholy situation is this island reduced! A commercial country neglecting her trade, and paying half the princes of Europe to carry on wars in which she has only a secondary concern! If these fruitless subsidies were saved; if the national revenue had been employed in liquidating the public incumberances, in augmenting the navy, improving manufactures, and extending trade and navigation; corruption and alarm would have been equally unnecessary, and no symptom of disaffection would ever make its appearance. The people would have been eased of their burthens, and ceased to complain. Commerce would have flourished and produced such affluence as must have raised Great Britain to the highest pinnacle of maritime power, above all rivalship and competition. She would have been dreaded by her enemies, revered by her neighbours; oppressed nations would have crept under her wings for protection; contending powers would have appealed to her decision, and she would have shone the universal arbitress of Europe. In order, therefore, to avert the inevitable destruction of this empire, which would be the certain consequence of the prosecution of the late measures, I shall vote for any amendment moved by my right hon. friend.

Sir *W. Milner* owned he was for peace, if it could be obtained on safe and honourable terms: he saw no common object: we seemed to be for a limited monarchy in France; our allies were for despotism, where in all this was there any beneficial

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object for England? He should, therefore, vote for an amendment, if that amendment went to a declaration, not to recall the troops, for that he would oppose; but that having begun the war merely to defend ourselves and our allies, he would at all times be ready to conclude a peace on terms consistent with our own and their safety.

Mr. *Hawkins Browne* supported the address, and denied that the object of the war was, the restoration of the monarchy of France under any form; its sole object was, to secure the civil order of society in Europe; and when that was obtained, the form of government which France, might assume would be indifferent; but while they adopted a form of government that endangered that social order, whether it was monarchical or democratical, such government was aggressive, and provoked opposition from a principle of self-defence.

Mr. *Courtenay* contended, that we had forced France into this war, by repeated insults on her ambassador. We had seized on foreign ships, laden with corn, and bound to her ports, contrary to the law of nations; contrary to an express act of parliament, which was thus violated by the arbitrary mandates of an administration which had, by every insidious and mean art, provoked France to declare war, and then falsely accused her of being the aggressor. But this was done, it seemed, by the suggestion and spirited exertions of the secretary of State (Mr. Dundas), who had recommended a similar mode of carrying on the war against America, by starvation. We all know how the wisdom and humanity of that measure had succeeded. He appealed to the House, if our ambassador had been treated as M. Chauvelin was, what Englishman would hesitate a single moment in giving his voice for resenting such an insult? It seemed to be the opinion of the noble lord, that we should not make peace with France till we had first reduced her to unconditional submission. This, indeed, was in the true spirit of Irish chivalry, where it was formerly reckoned an act of gallantry for the lover to commit a rape on his mistress, from the purest motives of affection, that he might endear himself to her esteem, and secure his connubial happiness, by previously exhibiting such an heroic instance of intrepidity and spirit.—The hon. baronet who seconded the address, had asked, what would become of this country, if the French got possession of the Austrian Netherlands? Even suppose it possible, should we instantly give up all hopes of being able to defend our country against these daring republicans, who seem to have struck such terror into our alarmists? The hon. baronet might have known that we have a million and a half of men, able to bear arms, and who but the alarmists ever doubted the spirit of Britons, and their attachment to the constitution? It is a libel on the people of England, to suppose the very existence of the British Empire depends on the preservation of such a barrier, as the Austrian Netherlands. Has the hon. baronet forgot the superiority of our fleet? Has he forgot the courage and intrepidity of our soldiers and sailors? Impossible. But perhaps he also recollects who is first lord of the Admiralty; he recollects who is first minister. This, indeed, may well make an alarmist tremble; and who can question such just and rational grounds for despondency and despair? Was it by infusing such a whining spirit of dejection into the people, that we meant to subdue the French, who were animated by the most enthusiastic ardour—an ardour that rivalled the glorious days of the most celebrated republics of Greece and Rome? Let us attend to the relation of that distinguished and gallant officer, sir Sydney Smith: "We heard their shouts, we heard their republican songs, till the very moment of the explosion, that threatened us all with instant destruction." Five millions of such soldiers are now in arms; and do you still dream of conquering France? The best armies of Europe had been already defeated by such men. The most celebrated generals had been baffled by soldiers who had nothing but their talents and their republican spirit to recommend them. The great duke of Brunswick had been obliged to fly before Hoche, who was lately raised from the ranks. Amidst all this political gloom, he begged leave to congratulate the House and country on the glorious triumphs of the British arms, as announced in his majesty's speech. It seems these barbarians, these republicans, had been discomfited in all their ambitious and unjustifiable projects. Did the alarmists doubt the authority of what his majesty had delivered from the throne, to console his faithful and loyal people, who had never heard a syllable of these signal successes, till the very moment of opening the session? The ministers, it seems, had industriously concealed

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them, to give a sort of brilliant eclat to the king's speech; and every gazette in Europe had most inviolably kept the secret.—But let the ministers fairly and boldly avow the true motives of their conduct. They thought they had a fair opportunity of dividing the spoils of France, with the combined powers, who had leagued together under the specious pretext, of restoring peace, order, and good government. And the late atrocities committed in France were now alleged as a justification of the conduct of the allies; but let us appeal to facts. Did not the duke of Brunswick publish his proclamation in July 1792, declaring every Frenchman a traitor who should dare to appear in arms to support that constitution solemnly sanctioned both by the king and the whole nation? And yet now the alarmists and administration perpetually recur to subsequent atrocities, as a justification of their conduct. Let the treaty of Pilnitz, let the treaty of Pavia, answer this bold and shameless assertion. The evidence of facts is incontrovertible. Were not Conde and Valenciennes taken possession of, and held by the emperor in his own name? Did not this act, contrary to all his solemn professions and declarations, excite the indignation of every generous emigrant? Even the Abbe Maury declared at Rome, in a large company of his countrymen, "Still we have one remedy, let us not allow France to be divided; we have seen the partition of Poland: we must all turn Jacobins to preserve our country." The trade, commerce, and manufactures of England are ruined by this war. Norwich furnishes a striking proof; and your silk weavers are now starving in the metropolis. Perhaps our ministers flatter themselves, that by reducing our manufacturers to indigence and distress, they will then be a match for the French: as our profound statesmen, so distinguished for their veracity and ingenuity, constantly assert, that the desperate valour of those republicans, and their prodigality of life are derived from the poverty and wretchedness in which they are reduced.—But there is still a heavier charge always blended in every debate, and urged with acrimonious rancour against the French anarchy and irreligion; that is, they have destroyed despotism and superstition, and perhaps ministers will soon refuse to treat with them, till the Catholic faith and tyranny are again restored, as the only solid security on which we can rely, for the general safety, morality, and tranquillity of Europe.—Mr. Courtenay concluded by asserting, that Mr. Pitt was the cause of all the atrocities committed in France. He had excited all the powers of Europe to attack them; to his insidious policy, were to be ascribed, all the horrors of a war which had deluged the continent with blood. Who supported the cruelty, barbarity, and inhumanity of Marat, Robespierre, and Danton? That right hon. gentleman. Give peace to France, then, and you destroy their power; they would soon become as truly contemptible and insignificant as his majesty's ministers; arts, commerce, agriculture, and manufactures would revive; and those numerous bands of citizen-soldiers, who had so gloriously defended their country, would speedily retire to their homes, to enjoy their triumph, and taste the sweets of competence, freedom, independence, and tranquillity, secured on the firm basis of the rights of man and a free constitution. What motive induces the people of France to submit to a rigorous and tyrannical government? Their love of liberty. They see that government (bad as it is in many respects) calling out the whole energy of a great and indignant people. It is the vigour of the bow, not the venom of the shaft, they admire and applaud. But who can bear with patience, to hear those canting, hypocritical pretences to religion and morality, in the mouth of the right hon. gentleman and his friends; in the mouth of men, who can see, without being much disturbed, and alarmed, their virtuous allies plundering and dismembering Poland; destroying her free constitution, and again reducing her emancipated peasants to feudal degradation and servility; and then impiously insulting the Deity, by a Te Deum, and applauding themselves for diffusing happiness among mankind. The only king, the only generous and beneficent monarch, who has appeared for ages on the continent, has been hurled from his throne, because he was a friend to liberty and man! If he had been a pious despot, he would perhaps have been protected by our virtuous cabinet, who so liberally subsidize the combined powers to spread the gloom of tyranny over the continent, and extinguish the rising flame of freedom, to fight their own battles; while we perform our part in this tragedy, by exhibiting repeated and superfluous proofs of imbecility, malice, and folly.

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Give peace to France, and you restore tranquillity to Europe, and felicity to mankind; give peace to France, and you establish the triumph of liberty over despotism; but, alas! the conviction of such truths will furnish an additional incentive, and inspire our ministers with new ardour for continuing the war.

The Earl of *Mornington* rose and said: If the present conjuncture of our affairs afforded us a free option between war and peace, if the necessity which originally compelled us to engage in the present contest had ceased, and the question for our deliberation on this day were merely, whether we should return to the secure and uninterrupted enjoyment of a flourishing commerce, of an overflowing revenue, of tranquil liberty at home, and of respect and honour abroad, or whether, on the other hand, we should wantonly commit, to the doubtful chance of arms, all those accumulated blessings; no man could hesitate one moment in deciding on such an alternative. To us more especially no other guide would be necessary than our own recent experience. Within our own memory, the country has passed with such rapid steps from the lowest state of adversity to the utmost degree of opulence, splendor, and power, that all our minds must be furnished with whatever useful lessons are to be drawn from either fortune. We all know, and have felt, what may be lost by the calamities of war, and what may be gained by a wise improvement of the advantages of peace. But whether I revert to the grounds and origin of this war, whether I look forward to the probable issue of the contest, or fix my attention on the inevitable effects of any attempt to abandon it in the present crisis; my judgment is driven to the painful, but irresistible conclusion, that no such alternative is now before us. Our choice must now be made between the vigorous prosecution of our present exertions, and an ambiguous state, neither of open hostility, nor of real repose; a state in which we should suffer most of the inconveniences of war, in which we should enjoy none of the solid advantages of peace; in which, even if we could purchase at the expense of our honour, and of our faith, a short respite from the direct attacks of the enemy, we could never for a moment feel the genuine sense of permanent security; unless we could contemplate, without emotion, the rapid progress of the arms and principles of France in the territories of our allies; unless we could behold, without anxiety, the rapid approaches of the same danger threatening the British dominions: unless we could sit at ease with the axe suspended over our heads; and wait, with tranquillity of mind, the moment, when these formidable enemies, after the extinction of every element of order and regular government in their own country, after the subjugation of every foreign power, whose alliance might assist us in our last struggles, strengthened by additional resources, animated by the prospect of new plunder, and flushed with the triumphant success of their prosperous crimes, should turn their whole force against the British monarchy, and complete their victory over the interests of civil society by the final destruction of that fair fabric of government, under which these happy kingdoms have so long enjoyed the inseparable advantages of substantial liberty, settled order, and established law.

No part of the speech from the throne more fully meets my sentiments on this important question than that in which his majesty recommends it to us to bear in mind the true grounds and origin of the present war. We cannot have forgotten, that before the French had declared war against us, we had seen in their conduct views of aggrandizement, projects of ambition, and principles of fixed hostility against all established government: and we had been convinced, that unless the foundation of our complaints should be removed by a total alteration in their system with respect to foreign nations, war, on our part, would become at length inevitable. We cannot have forgotten, that instead of endeavouring to remove our just apprehensions, their explanations afforded fresh motives of jealousy, and their conduct aggravated every cause of offence; until, at length, they interrupted all negociation by a sudden declaration of war, attended by circumstances of unexampled perfidy and violence. At that time we declared at the foot of the throne, "that we considered whatever his majesty's subjects held most dear and sacred, the stability of our happy constitution, the security and honour of his majesty's Crown, and the preservation of our laws, our liberty, and our religion, to be all involved in the issue of the present contest, and we pledged ourselves, that our zeal and exertions should be proportioned

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to the importance of the conjuncture, and to the magnitude and value of the objects for which we had to contend." Impressions conceived after such deliberate examination, assurances so solemnly pledged in the face of the nation, and of all Europe, will not be abandoned by the wisdom and firmness of this House upon such suggestions as have hitherto been offered in this debate—Before we can be justified in relinquishing the principles by which our proceedings have hitherto been governed, we shall require satisfactory proof, either that the impressions which we had originally conceived of the views of France were erroneous: or, that by the course of subsequent events, the success of the war is become desperate and impracticable; or, that from some improvement in the system and principles which prevail in France, and in the views and characters of those who now exercise the powers of government there, the motives of justice and necessity which compelled us to enter into the war, no longer continue to operate.

On each of these propositions separately, and on the combined result of the whole, I shall endeavour to bring this question to a fair issue. Although the question of the original justice and necessity of the war was so fully examined in the last session of parliament, yet to relinquish the blessings of peace, is a measure of such serious and grave importance, that I am confident we shall not be unwilling during any period of the contest, carefully and anxiously to revise the grounds on which it was adopted. In the present moment, however superfluous it may appear to search for any additional justification of our conduct, or to endeavour to throw any new light on a question already so well understood, yet it cannot but prove satisfactory to us, that a variety of occurrences, since the commencement of the war, and many new and striking proofs have concurred, to confirm the wisdom and justice of our decision, not merely on general grounds, but precisely on the very grounds on which it was originally founded. If I could bring to your bar, the most malignant, the most active, and the most able enemy of the British name in the National Convention; the author of the most scandalous official libels against the views, interests, and power of Great Britain; the author of the most inflammatory speeches, tending to provoke the war in which we are engaged; the author of the declaration of war itself, and the inventor of all the pretences by which it has since been palliated, both in France and in England; if I could bring him to a cross examination in your presence, confront him with his own reports, speeches, and manifestoes, as well as with those of his colleagues in office, and comparing the result of the whole with concurrent and subsequent events, convict him and his associates of falsehood, treachery, and prevarication, in all their pretended explanations of their own designs, as well as in all their affected complaints of the supposed views of his majesty's councils, I am persuaded, that you would not reject an investigation, the issue of which must tend to confirm the confidence of the nation in the original justice of our cause: such is the nature of the proof which I am about to offer to you.

Brissot, the leader of the Diplomatic Committee,—Brissot, the main spring of the French government at the breaking out of the war, falling into disgrace and danger, addressed to his constituents a defence of all his measures, in which he reveals the whole secret and mystery of the French Revolution, and makes an open confession of the principles by which France was directed in her intercourse with other powers, of the means which she employed, and of the ends which she pursued. From the unquestionable testimony of this production, from the evidence of the principal actor in these transactions, I propose to examine the truth of our complaints, the justice of the conduct of France, and the validity of the arguments which have been used on either side.

The views which we attributed to France previous to the war, were views of aggrandizement and ambition, connected with the propagation of principles incompatible with the existence of any regular government. The particular acts, by which those views had been manifested, were, 1st, the decree of the 19th of November, in which France made (according to her own language) a grant of universal fraternity and assistance, and ordered her generals every where to aid and abet those citizens who had suffered, or might suffer hereafter, in the cause of what she called liberty. Her sense of liberty, as applied to England, was shown by the reception of seditious and treasonable addresses, and by the speeches

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of the president of the National Convention, expressing his wish for the auspicious Institution of a British Convention, founded, as such an institution must have been, upon the destruction of every branch of our happy constitution. 2nd, The conduct of France, in incorporating the territories of other powers with her own, under colour of voluntary acts of union, pretended to have been freely voted by the people; particularly in the cases of Savoy and of the Netherlands, of both which countries France had assumed the sovereignty. 3d. The opening of the Scheldt, in direct violation of the most solemn treaties guaranteed by France herself; and lastly; her general designs of hostility against Holland.

When the decree of the 19th of November was complained of here, the Executive Council replied, that "it would be injurious to the National Convention to charge them with the project of protecting insurrections." Brissot, in his confessions, is pleased to admit, that "the decree of the 19th of November was absurd and impolitic, and justly excited uneasiness in foreign cabinets." You shall now hear the wise, politic, and conciliatory exposition of the principles of France, which he opposes to that decree: "What was the opinion of enlightened men, of men who were Republicans before the 10th of August, who desired liberty, not only for their own country, but for all Europe? They thought that liberty might be established every where, by exciting those for whom government is administered, against those who administer it,* and by proving to the people the facility and advantages of such insurrections." This theory of universal liberty, founded upon universal insurrection, this system of exciting the people against all regular government, of whatever form, against all authority of whatever description, this plan for the instruction of the mob in the advantages of disorder, and in the facility of outrage and plunder, is deliberately applauded by Brissot, as the established doctrine of the most moderate men in France, to which no one could object on account of its absurdity or impolicy, or of its tendency to excite uneasiness in foreign cabinets.

You may perceive that the authors of the decree of the 19th of November, and the enlightened Republicans of whom Brissot speaks, were equally animated by the great principle of desiring liberty (as they are pleased to style it) for all Europe; their only difference consisted in the mode of carrying their common views into speedy and effectual execution. This will appear more clearly in the passages which I shall now read to the House. "But how can the people be led to that point? By zealous efforts to spread the spirit of liberty among them. This system was pursued at first. Excellent pamphlets from the pen of Condorcet had prepared all people for liberty. "The understandings of the Belgians ought to have been enlightened by good writings; we ought to have sent missionaries among them." The House will find no difficulty in understanding what is meant by good writings (I say nothing of missionaries) when the letters of Condorcet are quoted as models of perfection. We are not unacquainted with the style of those "excellent pamphlets from the pen of Condorcet, by which all people were to be prepared for liberty." We cannot be so ungrateful, as to have forgotten the delicacy with which he suggested to the people of England, "that the French Revolution was an object, both of their fears and desires, that a parliamentary reform would be proposed in this House, and that from thence, the passage, to the complete establishment of a republic, would be short and easy." Such are the means, so reconcileable with the faith of nations, so compatible with the amicable intercourse to be maintained with foreign powers, which Brissot, the reporter of the diplomatic committee, proposed to employ for the introduction of the principles of universal confusion into the bosom of every independent state. The disappointment of these benevolent views, and the failure of this great design, are lamented by him in terms so forcible, and so pathetic, as to display, at once, the stupendous magnitude of this scheme of destruction, and the frantic zeal with which it was pursued. "O! how grievous it is! for a man who has seen the Revolution advanced to a degree, to which, four years ago, it would perhaps, have been madness to have thought of carrying it, how grievous it is! to see that Revolution falling back, while every thing was contending in its favour! Shall then all the benefit of our experience be lost to the general cause of liberty, to other nations, and to future Revolutions? Tears of

* Les Administrés contre les Administrans.

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blood should flow from the eyes of all Republicans: liberty, which might so easily have been extended, until it should have known no other bounds than those of the world, must now submit to a doleful confinement within the limits of France."

Some doubt might, perhaps, have been thrown upon the authority of the evidence which I have produced to the House, if it had appeared to attribute to the government of France principles incompatible with their general system, and not conformable to the conduct of their agents and ministers, in the different foreign countries; but when we find, that the public acts and language of all the agents of France correspond with the designs here ascribed to their employers, this circumstance at once corroborates the testimony to which I have alluded, and exhibits, in itself, a striking instance of the uniformity and consistency of the system in all its parts.

In America (a government which, I am persuaded, the noble earl Wycombe will concur with me in thinking, does not require to be improved by any infusion of French principles) citizen Genet was appointed resident, by Brissot and Le Brun: he there commenced his operations by the institution of a Jacobin club; he publicly insulted the magistrates; disputed the acts of government; opened, what he was pleased to call, a consular tribunal under the authority of the French republic for the condemnation of prizes within the territory of America, enforced the execution of its sentences by acts of open violence; and at length, the powers and privileges of the consul acting under his orders, having been annulled by the president of the United States, and his proceedings having been checked, as being contrary to the law of nations, and to the rules by which the relations of independent states are governed, citizen Genet presents a remonstrance to the secretary of State, in which he gravely says, "that he does not recollect what the worm-eaten writings of Grotius, Puffendorff, and Vatell say on these subjects, he thanks God, he has forgotten what those hireling civilians have written on the rights of nations, in times of universal slavery; but he knows that his conduct has been agreeable to the spirit of the French constitution, of the American constitution, and of the rights of man, which are for ever engraven on his heart, and from which he learns, that an appeal must lie from the president, who is a mere ministerial officer, to the sovereign people of America."

Thus the disciple of Brissot takes upon himself to supersede every maxim of the law of nations, by doctrines drawn from the constitution of France; and not content with that outrage, he arrogates to himself the right of interpreting the constitution of America, by reference to the same polluted source, and affects to depose the president of the United States from his constitutional authority, under colour of the sacred rights of man, and of the indefeasible sovereignty of the people. Citizen Descorches, employed by the same party at Constantinople, proceeded in the same spirit; he established Jacobin clubs, and held primary assemblies for the propagation of the true faith of liberty among the janissaries at the Porte. Thus from Mr. Jefferson to the Reis Effendi, from the president of the United States of America, to the grand seignor, from the congress to the divan, from the popular form of a republic, to the most unmixt military despotism, every mode and gradation of lawful authority, or of established power, was the object of deliberate, systematic, and uniform attack. There is another feature of this project which I cannot omit, because it so nearly concerns the security of some of the most valuable possessions of the British empire. We are told by Robespierre, that a part of the general scheme of Brissot and his associates was, to free and arm all the negroes in the French colonies in the West Indies. Brissot, instead of attempting to refute this charge, takes merit to himself for the ingenuity and simplicity of the invention; he says, that "by the simple operation of purifying the colonial system of the French islands, he would have accomplished the destruction of all the British colonies in the West Indies." He adds, "that this is a secret of which few have any idea." Those who have given their attention more particularly to the case of the African Negroes, will be the first to feel the complicated horror of this detestable project of massacre and desolation. An abrupt emancipation of the slaves in the West-Indies, accompanied with the circumstance of putting arms into their hands, would instantly occasion a scene of bloodshed and misery, which our imaginations could scarcely conceive, if it had not already been realized in the island of St. Domingo under the auspices of the commissioners

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appointed by Brissot and his party. There cannot be a more striking instance of the general tendency of the views of those who governed France at the time of the declaration of war; it contains an epitome of that extensive conspiracy against the order of society and the peace of mankind, which we have already considered in detail.

With this compendious example of the ruinous projects of those who provoked the present war, I shall conclude this part of the argument, conceiving that I have shown to the House, that the mischievous spirit of the decree of the 19th of November, denied by the Executive Council, has been avowed, acknowledged, and defended by Brissot, the champion of all their principles, and the author of all their plans; that his exposition of this destructive spirit has been confirmed by a variety of concurrent circumstances; and that the arguments, by which the difference of opinion between the contending parties in France, with respect to the decree of the 19th of November, has been maintained, serve only to prove more strongly their unanimous agreement in the main principle of destruction, on which that decree was founded.

The principle of the incorporations, or re-unions of the different territories annexed to the dominions of France (which is the next great feature of the system by which we were menaced), as well as the means employed to obtain those re-unions, are fully explained by Mr. Brissot. In examining this part of the subject, I beg to call the attention of the House particularly to the gross prevarications and contradictions of the author of the declaration of war, as well as to the shallow artifices employed by the Executive Council, in the hope of concealing the ambitious views of France from the eyes of Europe. First with respect to Savoy and Nice. Brissot, in a report made to the National Convention, on the 12th of January, 1793, in the name of the committee of general safety, a report, intended to prepare them for the approaching war, and professing to contain a full and candid discussion of all the complaints of Great Britain, uses these words: "The unanimous wish of all the communities of Savoy legitimates the union with that country." Thus writes Brissot before the commencement of the war; observe how frankly and honestly he has since confessed the truth. "Cambon wanted to unite every thing, that he might sell every thing; thus he forced the union of Savoy and of Nice." With regard to the Netherlands, Brissot tells us in his confessions, that Cambon, the French minister of finance, forced that measure also, with two views; the compulsory introduction of assignats into that opulent country, and the universal plunder of property; he introduces Cambon and his party reasoning with the Convention upon the manner of negociating an union with the free and sovereign people of Belgium, in the following words: "The mortgage of our assignats draws near its end; what must be done? sell the church property of Brabant; there is a mortgage of two thousand millions (eighty millions sterling.) How shall we get possession of them? By an immediate union! men's minds are not disposed to it. What does that signify? Let us make them vote by means of money. Without delay, therefore, they secretly order the minister of foreign affairs to dispose of four or five hundred thousand livres (20,000*l.* sterling) to make the mob of Brussels drunk, and to buy proselytes, to the principle of union, in all states. "But even these means," it was said, "will obtain but a weak minority in our favour. What does that signify? Revolutions," said they, "are made only by minorities! It is the minority which has made the revolution of France." Thus you see, that the union of these vast territories, with all their immense population, wealth, and commerce, was considered by the French minister of finance, as nothing more than a mere financial operation, for the purpose of supporting the sinking credit of his assignats. The sacred regard paid to the general will of the people in the doctrines respecting minorities, cannot have escaped the observation of the House. Something has been said already of the means employed to obtain the free consent of the people to these unions. On this subject, we have full information from Brissot. "Do you believe the Belgians were ever imposed upon by those votes and resolutions, made by what is called acclamation for their union, for which corruption paid in part, and fear forced the remainder? Who, at this time of day, is unacquainted with the springs and wires of their miserable puppet show? Who does not know the farces of primary assemblies, composed of a president, of a secretary, and of some assistants, whose day-work was paid for? How could they believe themselves free and

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sovereign when we made them take such an oath as we thought fit, as a test to give them the right of voting? What could the disarmed Belgians object to all this, surrounded, as they were, by seventy thousand men? They had only to hold their tongues, and to bow down their heads before their masters! They did hold their tongues, and their silence is received as a sincere and free assent." Brissot states, with equal force of language, the ruinous effects of all these measures; he says, "despotism and anarchy are the benefits which we have transplanted into this soil; we suppressed, at once, all their ancient usages, all their prejudices, all the ranks and orders of their society; we proscribed their priests, we treated their religious worship with open marks of contempt; we seized their revenues, their domains, and their riches for the profit of the nation; we carried to the very altar those hands which they regarded as profane. Doubtless these operations were founded on true principles;* but those principles ought to have had the consent of the Belgians, before they were carried into practice."

Have, then, the true principles of France been misrepresented or exaggerated in this House? Is it possible for the most honest and enthusiastic indignation which the scenes exhibited in France have raised in any British heart, to vent itself in terms of more severity than those which Brissot has used in expounding, what he justly calls, the true principles of the French republic? Now let us again confront Brissot's confessions, with his report in the name of the committee of general defence, on the 12th of January 1793. "Shall I recall the accusation of having invaded the Netherlands, of having dictated laws and made a constitution for that country? We make a constitution there! Read the instructions given to our generals to assemble the people, to consult their wish to enable them to express it freely, to respect it when expressed: such was our tyranny! The Belgians themselves form, and alone will form, their constitution; but, in order to lead them to that point, it is necessary to tie up the hands of the malevolent, of Austrian emissaries, who would excite sedition, and this is the cause of some necessary acts of authority, this is the foundation of the revolutionary power, which is nothing more than the guardian of liberty in her infancy, and which ceases to exist as soon as she has attained the age of maturity. We pillage Belgium! when we only desire to be voluntarily reimbursed for the expenses of a war, where the blood of our brothers is counted for nothing." So far Brissot, and the committee of general safety; I now entreat the House to hear the language of the Executive Council: "France calls back to freedom, a people which the court of Vienna had devoted to slavery, her occupation of the Low Countries shall only continue during the war, and the time necessary to the Belgians to ensure and consolidate their liberty, after which, let them be independent and happy. France will find her recompense in their felicity. When that nation shall be found in the full enjoyment of liberty, when its general will can lawfully declare itself without shackles, then if England and Holland still attach some importance to the opening of the Scheldt, they may put the affair into a direct negociation with Belgia. If the Belgians, by any motive whatever, consent to deprive themselves of the navigation of the Scheldt, France will not oppose it; she will know how to respect their independence, even in their errors. After so frank a declaration, which manifests such a sincere desire of peace, his Britannic majesty's ministers ought not to have any doubts, with regard to the intention of France."

It is difficult to determine whether the prevarications of Brissot, the reporter from the committee of general safety, or the subterfuges of the Executive Council are most worthy of animadversion; both are so gross and flagrant, that I cannot aggravate, by any comments, the impression which they have already made; but when we recollect that the audacious violation of the law of nations, and of the acknowledged rights of our allies by the opening of the Scheldt, was justified upon no other ground than the maintenance of the natural rights of the free people of Belgium: when we recollect, that the final adjustment of that important question was postponed by France, until the time when the liberty of the Belgians should be secured and consolidated, and when the general will of that people could lawfully declare itself without shackles, the tyranny exercised by France over the Netherlands, and the violence and corruption employed to procure the Union cannot fail to excite the general indignation of this House. Most of us, indeed, were not deceived by

* Sur les Principes.

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the frank declaration of the Executive Council of France: but those few amongst us whose emed to be deceived by it at that time, and who under that deception maintained the justice of the pretences of France, must find additional motives of resentment and indignation in the recollection of the imposture, which was so successfully practised at least upon them. If they had been possessed of the information which I have detailed to the House, I am persuaded, that they would never have proposed to us, to carry to the foot of the throne an address containing the paragraph which I shall now read to you relative to the navigation of the Scheldt.* "We must further remark, that the point in dispute seems to us to have been relieved from a most material difficulty, by a declaration of the minister of foreign affairs in France, that the French nation gave up all pretensions to determine the question of the future navigation of the Scheldt." The insult and mockery of that declaration is now so evident, that I cannot suppose it possible that any person should retain the opinion, that the Executive Council ever had a sincere intention of relinquishing at any time, the pretensions of France to determine the question of the navigation of the Scheldt, or any other question which might affect her operations in the Netherlands; the object of a declaration so inconsistent with the whole system pursued by France in the Netherlands, could only be to delude this country with false pretences of moderation, until it might be convenient to discover in the face of day, and to enforce by the sword against every nation in Europe the inordinate scheme of ambition, of which the re-union of Belgium and the opening of the Scheldt formed but an inconsiderable part.

The designs of France against Holland might be inferred from her general views of aggrandizement, and particularly from the established maxim of her policy, "that France ought to know no other barrier to the eastward than the Rhine;" a maxim avowed by Brissot, by Dumourier, and at different periods, by almost every person who has acted a leading part in the government of France since the massacre of the 10th of August. But the correspondence between Dumourier and Pache, the minister of war, which has been published, and of the authenticity of which no doubt can be entertained, has placed the hostile views of France against Holland in so strong and so clear a light, that it would be injustice to the argument to rest it entirely upon the general grounds already stated. It has been contended, that the rejection by the Executive Council of Dumourier's proposal to invade Holland in the month of November 1792, was a strong proof of the pacific disposition, and of the good faith which prevailed in the councils of France at that time; but it appears that on the 30th of November, Dumourier, in a letter addressed to the minister of war, communicated in detail a plan for the immediate invasion of Holland, and stated the previous conquest of Holland to be essential to the great object of driving the Austrian and Prussian armies beyond the Rhine. One of the principal arguments which he alleges in favour of this operation, is founded in the hostile views which he attributes to Holland, and in his apprehension that if he should move towards the Rhine, before he had effected a revolution in Holland, his rear might be exposed to a sudden attack from the Dutch. It appears that the minister of war expressly warrants the neutrality of the Dutch in the beginning of December to Dumourier. But notwithstanding that assurance, the question between the immediate invasion of Holland, and a movement towards the Rhine, is argued throughout the whole of the official correspondence, merely upon grounds of expediency; the doubt being only, whether the operations of Dumourier's army in the month of December should commence, or terminate with the invasion of Holland; this will appear more clearly, from a passage in the last orders from the minister of war to Dumourier, on this subject, dated December 6, 1792. "Thus if the army of Belgium should attack Holland, and not pass the Rhine, the Austrians will be able to attack Bournonville, and to force him to abandon the banks of the Moselle; Custine might be endangered. These motives have determined the Executive Council, and they have resolved (as 'a measure of urgency,' and which ought to precede the invasion of Holland, which you propose), that you shall dispose the three armies under your orders, in the manner which you judge the most proper for driving the Austrians from the countries comprehended between the Meuse, the Moselle, and the Rhine." This letter

* Address moved by Mr. Grey on the 21st February, 1793. See p. 456, of the present Volume.

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leaves no doubt on my mind, that if the French could have succeeded in driving the Austrians and Prussians beyond the Rhine, early in December, 1792, they would, without scruple, have fallen upon Holland, although by the confession of the minister of war in the month of December, the Dutch had given them no ground of offence. Such are the various proofs and concurrences which tend to confirm those impressions of the designs of France, in consequence of which we thought it our duty to enable his majesty to augment his forces, previous to the declaration of war.

The aggression of France, which was the immediate cause of the war, forms, another material branch of the argument; it was attempted to be justified under the pretence of certain alleged acts of hostility, particularly the stopping the export of corn to France in the month of November 1792: that measure was defended by my right hon. friends near me, on the ground of their knowledge, that warlike preparations were then actually making in France. Upon this subject, Brissot's testimony is not only ample and unequivocal, but it proves that preparations had been commenced at an earlier period, and were proposed to be carried to a much greater extent than could have been supposed by any person in this country in the month of November. He tells us, "that as early as the month of October, the possibility of war with the maritime powers was foreseen, and the diplomatic committee and the committee of general defence had warned Monge, the minister of marine, of this circumstance. Considerable sums of money were put into his hands; he had promised to collect stores and provisions from all quarters, to repair all the ships and frigates; he had promised a fleet of 30 sail of the line for the month of April, and to have above 50 sail of the line ready for sea by the month of July; he had promised to cover the sea with frigates, for the protection of commerce to send succours to St. Domingo and Martinique; an express law passed in October enjoined this." While France was thus preparing an armament against the maritime powers, what should we have thought of the conduct of our ministers, if they had suffered the export of corn to that country, and thereby had contributed to accelerate the equipment of those formidable fleets which the minister of marine had engaged to provide? It ought not to be forgotten, that the same government of France, which had ordered preparations for equipping a fleet in the French ports as early as the month of October, thought it decent, in the month of January, to make the armaments preparing by his majesty, a principal ground of complaint, and to insist, as the ultimatum of France, that England should disarm; a more insulting proposal, under all the circumstances of the case, as I have now stated them, was never made by one independent nation to another.

But, while we are inquiring in this House, into the immediate cause of the war, we may derive some useful information on that head from the contentions and divisions which have disturbed the councils of our enemies. In the act of accusation against Brissot and his party, one principal charge is, "the proposal from the diplomatic committee by the organ of Brissot, to declare war abruptly against England, war against Holland, war against all the powers which had not yet declared themselves." While the trial of Brissot was pending, Chaumette says in the Jacobin club, "every patriot has a right to accuse in this place, the man who voted the war; and the blood which has been shed in the Republic, and without the Republic, in consequence of it, shall be their proofs and their reasons." Robespierre in his report, 17th of November, 1793, says, "With what base hypocrisy the traitors insisted on certain pretended insults, said to have been offered to our ambassador!" Brissot on the other hand replies, "Who has been the author of this war? The anarchists only; and yet they make it a crime in us." Thus, amidst the animosities and dissentions which preceded the last Revolution at Paris, the heinous crime of having provoked the war with England, is mutually imputed by one party to the other. Robespierre imputes it to Brissot; Brissot retorts it upon Robespierre; the Jacobins charge it upon the Girondists; the Girondists recriminate upon the Jacobins; the mountain thunders it upon the valley; and the valley re-echoes it back against the mountain. For my part, I condemn them both—the share of this guilt which belongs to Brissot and his associates, is already known to you; those who murdered Brissot and his associates upon the scaffold, were not only the most active promoters of the decree of the 19th of November, and of the several unions, but the principal agents in all the odious vexations

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exercised over the people of the Netherlands, and not one voice among them was raised against the measures which immediately led to the war. Therefore, I repeat it, whatever be the crime of having drawn down upon their own country the indignation of Great Britain, and of her numerous allies, and of having fomented a general war in Europe, I charge that crime equally upon both these sanguinary factions. But who is the British subject, that shall acquit both these sanguinary factions of the crime which they mutually impute to each other? and by charging it upon the councils of his own sovereign, shall impair the confidence of an united people, in the justice of their cause, and weaken the energy of their exertions, in the prosecution of this arduous contest? Unless I am wholly deceived in the authenticity and application of the proofs which I have adduced, I cannot suppose that any such person will appear in the course of this debate; and I must conclude, that these proofs, added to the arguments employed last year, have confirmed the original justice and necessity of the war, upon the most solid and secure foundation.

If, then, the original justice of our cause, instead of appearing to be in any degree weakened, has received additional force and confirmation from the whole course of subsequent events, it must be both our right and our duty (a right which a high-spirited people will not easily concede; and a duty, from the discharge of which they will not shrink) to prosecute the war without remission, unless it can be made to appear, that all our efforts must be vain and fruitless, and that our enemies are not only formidable, but invincible, by any force which we can bring to act against them. But although the events of the last campaign have undoubtedly proved, that France, in her present situation, is a formidable enemy; so far from proving her to be invincible, I shall contend, that the general result of the campaign, both in its effects upon our own situation, and upon that of the enemy, has been such, as to afford a reasonable expectation of ultimate success. What was our situation at the commencement of the last campaign? France was in full possession of the Netherlands, and by the operation of the Revolutionary power, under the decree of the 15th of December 1792, was rapidly adding to her own resources, not only all the ordinary resources of that wealthy country, but the property of the church, of the nobility, of all the corporations, the personal property of the prince, and of all his adherents. Upon the first produce of this immense booty, Dumourier had calculated, that he could support an army of an hundred thousand men, for ten months. By the possession of the port of Ostend, France commanded the commerce both of Holland and England, and had the means of interrupting the intercourse between us and our allies. By the possession of Antwerp, and the measures which she had taken relative to the navigation of the Scheldt, she had the means of annoying Holland in that quarter; the possession of Liege gave her the command of the Meuse, and furnished her with great advantages in any operation which she might meditate against Maestricht. Mentz was also in her hands, and the commerce of the Rhine was consequently entirely at her mercy. She had a powerful army ready to enter the territory of Holland at the first moment of the war, with the avowed object not merely of conquest, but of effecting a Revolution in that country upon her own destructive principles; and in the Mediterranean, she had a formidable fleet which had struck all the Italian states with such consternation, as had given her the absolute control over the commerce of that sea, and the undisputed command of whatever resources could be drawn from the countries which border upon it. This was our situation at the opening of the campaign. It was no doubt truly serious, and such as would not have tempted us to undertake a war, if peace could have been maintained consistently with our safety and honour. It might reasonably have been expected, that with such advantages on her side, the general balance of events would have been greatly in favour of France at the conclusion of the first campaign; especially when it is considered, that the policy which has been adopted by this country, of keeping both her naval and military establishments at the lowest possible scale in time of peace, must necessarily confine the extent, and weaken the vigour of her efforts in the early periods of war.

Prophecies of a much more gloomy complexion were certainly uttered in this House; we were told (nearly in the language of one of the extracts which I have read from Brissot), that the sea would be imme-

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diately covered with the armed vessels of our enemy, and that our commerce would be exposed to depredation in every quarter; we were told in the same tone, that perhaps after five or six years of war, the Netherlands might be evacuated as the price of peace. What is our situation now at the conclusion of the first year of the war? Holland has been saved; the importance of this event in the present situation of Europe, may be estimated by the designs which France has uniformly entertained against that country since the time of her success in the Netherlands. Robespierre, lamenting that Dumourier did not invade Holland immediately after the conquest of the Netherlands, says, "If we had invaded Holland, we should have become masters of the Dutch navy? The wealth of that country would have been blended with our own, her power added to that of France, the government of England would have been undone, and the Revolution of Europe secured." The nature of the Revolution intended in Holland, is now well known. When the invasion of that country was projected, Cambon is said to have declared, that "as the Dutch had no church lands to offer to France, for her indemnification in the war, the Dutch Revolution must be made on new principles; it must be a revolution of strong boxes and purses." The decree which passed about the time Dumourier entered Holland, is a sufficient commentary on this expression, and shows, that if the French had succeeded in that expedition, they would probably have struck the most fatal blow, that commercial credit has ever received. But the protection of Holland was of great importance in another view. From the moment that France had declared war against the Dutch, Dumourier repeatedly states, that the conquest of Holland was essentially necessary for the purpose of maintaining the possession of the Netherlands in the hands of the French; he says, that "without Holland, the Netherlands must soon fall, and with Holland he entertained no doubt of being able to oppose an effectual barrier to the progress of the Austrian and Prussian armies." The recovery of the Netherlands was, therefore, intimately connected with the protection of Holland. Whatever opposition was made to the force under the command of Dumourier in Holland, must, in this view of the subject, be considered as a combined operation with the attack of the prince of Saxe-Cobourg, upon the armies of Valence and Miranda, on the banks of the Roer, and of the Meuse. It is certain, that the brilliant successes of the Austrians would have been at least retarded, if the gallant defence of Williamstadt, and of the passage of the Maese had not checked the progress of Dumourier, and prevented him from effecting a junction with the armies opposed to the prince of Cobourg, at an earlier period, and under circumstances of greater advantage. It is unnecessary to state, that the seasonable assistance afforded by this country to the Dutch, was alone the circumstance which encouraged and enabled them to make so vigorous an effort in that critical conjuncture of their affairs. The recovery of Flanders, thus connected, on the one hand, with the defence of Holland, was, on the other hand, an object of equal importance to the permanent security of the Dutch frontier. It was also material to the prosecution of the war in many other respects. It deprived our enemies of resources which, according to the account given by Cambon, were become necessary to the support of their declining finances, and added what was thus taken from them to the strength of our allies. Brissot says, that "the evacuation of Belgium tarnished the glory of the French arms, and retarded," what he calls "the liberty of Europe." The Netherlands, recovered under such circumstances, have not only been maintained throughout the campaign, but an impression has been made upon the frontier of France, by the capture of Valenciennes, Conde, and Quesnoy. Against these successes are to be set, the raising of the sieges of Dunkirk and Maubeuge. Making the utmost allowance for each of those failures, and comparing the circumstances of our situation on the side of Holland and Flanders, in the month of February, 1793, with their actual state, it cannot be denied, that the campaign in Flanders has been productive of the most considerable acquisitions, both in point of territory and resource, which this country and her allies ever obtained in that quarter in any single year of our most prosperous wars. On the Rhine, the recapture of Mentz, and the progress made in Alsace, after the distinguished action of Weissembourg, afforded effectual protection to the frontier of Germany, during the greater part of the campaign, and operated as a powerful diversion of the force of the enemy.

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Notwithstanding the sudden irruption of the French, by means of the requisition of the mass of the people (a measure, the effects of which upon the internal situation of France, I shall have occasion to examine more particularly before I sit down), our general situation is far more favourable than at the opening of the campaign. Although the French have regained a considerable part of the country, from which they had been driven in the course of the summer, they have, as yet, been contending with us for our conquests, and not for any advantages which they did not possess before the commencement of the war. While our allies retain Mentz, it must be admitted, that after all the extraordinary exertions of the enemy, their situation is much more disadvantageous than it was in the month of July. In the territories of the king of Sardinia, the French have made no additional progress. On the side of Spain, they have suffered considerable losses. The blockade of the French fleet, in the port of Toulon, by an inferior force, was highly creditable to the naval honour of this country, and in the circumstance attending the evacuation of that town one of the most severe blows was given to the naval power of France, which has ever been struck in the whole history of our marine; and the command of the Mediterranean was at once transferred from the hands of France, into our own. If the fleets of the enemy have offered no opportunity to ours, of obtaining any brilliant success, let us compare the actual state of our trade and commerce, with those gloomy predictions, to which I have already alluded, and with the captures made from the enemy. On this subject I must again refer to the authority of Brissot, which is corroborated by our own accounts: he says, "In the month of March all our privateers were destroyed by the English in the Channel. In the month of April our trading vessels were taken by English frigates at the very mouths of our rivers: our ships could not go into the Mediterranean without danger; and yet we had a fleet there of 15 ships of the line."

If we look to the result of the campaign abroad, the prospect is equally favourable; the fishery of Newfoundland, from which the French have been driven, has always been considered as a most valuable object; we know that it has formed one of the most contested articles in most of our negociations of peace, since the commencement of the present century: the acquisition of this fishery, in the first campaign of the war, must operate as a material check to one source of the naval power of France. In the West Indies, the importance of the island of Tobago, which we have acquired, may be estimated, when we recollect, that it was the only one of all her conquests which France retained at the peace of 1783, after all the calamities of the American war. In the island of St. Domingo we are in possession of Nicola Mole, the most advantageous post, with a view to the command of the windward passage, and of Jeremie, the part of the island which has suffered the least from the ravages of Brissot's commissioners. In the East Indies, the French have been expelled from all their possessions, excepting Pondicherry, the capture of which could not (by the latest advices) long be delayed. The acquisition of the Fort of Mahe, on the coast of Malabar, is of the greatest advantage to our new territories on that coast, both with a view to the commerce and good government of those countries; in a political view it is obviously of considerable importance, that the French should not continue to hold a possession which afforded them the means of so direct and easy an intercourse with Tippoo Sultan.

Thus, Sir, I have endeavoured to give a summary view of the events of the campaign. It does not belong to me to enter into any reply to the critical observations which have been made upon the conduct of particular expeditions, or upon the general disposition, and application of our naval and military force. That argument will not be declined by those whose situation in his majesty's councils renders them most competent to treat it with effect. But from what lies within the observations of every man, we may collect, that the general result of the last campaign has not only exceeded our first expectations, but, including all the advantages which the combined armies have obtained on the continent of Europe, including the blow which has been struck against the naval power of France, and the acquisitions which we have made both in the East and West Indies, and at Newfoundland, the general result of the last campaign has not been surpassed in effective advantage, either with a view to indemnity, to ultimate security, or to the intermediate means of distressing the ene-

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my during the continuance of the war, by any campaign in which this country has been engaged since the Revolution. And in this part of the argument it must never be forgotten, that this is the first campaign of the war. No man would attempt to deny that such a success, as we have obtained in the course of this year against France, would have been deemed of decisive importance in the most brilliant periods of the French monarchy. If, therefore, our success is now to be undervalued, it must be from an opinion that under the present circumstances and situation of France, her resources are so inexhaustible, her strength is so absolutely unconquerable, that what would have been esteemed a promising impression against any other state which ever existed, and against herself in other times, must now be considered as wholly nugatory and ineffectual. Let us examine whether we have any reasonable ground to apprehend, that this enemy, whom we know to be so formidable, is really invincible; let us not be deterred, by the magnitude of her temporary exertions, from looking closely into the means by which they have been supported; let us search the real foundations of her apparent strength, and comparing them with the nature and sources of our own power, let us decide, upon the true and solid principles of political economy, and upon the established maxims of all human government, whether both the probability of our ultimate success, and the necessity of our present exertions, are not greatly increased by the extraordinary and unprecedented character of that system, under which the powers of government are now exercised in France.

At the entrance of this arduous and extensive argument, I feel myself embarrassed by two difficulties of a very opposite kind:—To apply to the government now prevailing in France the epithets which such a scene would naturally suggest: to call it a system of rapine, extortion, and fraud, under the colour of a lawful revenue; or of abitrary imprisonment, under the false pretence of liberty; of murder, under the name of justice; a system, which unites despotism with anarchy, and atheism with persecution; and to adduce no particular facts and proofs in support of such a charge, might well be deemed idle declamation and empty invective: on the other hand, to attempt to bring before you all the shocking and disgusting scenes by which every part of this charge might be confirmed, would lead to a detail wholly unfit for the ears of a British House of Commons. I shall endeavour, with the utmost care, to avoid both these extremes; but if, from the very nature of the dreadful transactions on which it is my duty to comment, I should sometimes fall into either, the indulgence of the House will not be refused either to the natural sentiment of indignation which the view of such crimes must excite, or to my anxiety, to draw from them conclusions which may be justly and usefully applied to the subject of our present deliberation. It is my intention to advert only to such of the fundamental principles, and of the leading branches of this monstrous system of government, as will furnish the most certain grounds for any possible estimate of its real force, and of its probable duration. But, although, every fact which I shall adduce, will be directed to this particular point of the argument in the first instance; from the same facts other considerations will arise, and other conclusions will be drawn, not less applicable, in my opinion, to the general question of this day.

The same circumstances which explain the nature of that power with which we have to contend, will also explain the causes of whatever difficulties we may have encountered in the contest, and enable us to judge, whether they are to be surmounted by perseverance: the same circumstances will also serve to show, whether the further extension of the system now prevalent in France is to be considered as a matter of indifference, or as an object of terror by the other powers of Europe, and particularly by Great Britain; and whether it be, or be not, an essential and inherent quality of that system, to extend itself abroad, as the only security for its existence at home. These and other inferences will be made from whatever detail I may be permitted to lay before you, in endeavouring to give you a faithful picture of the true state and condition of France at the present moment.

On the 31st of May, a revolution took place in the government of France, as extraordinary in its circumstances, and as sudden and violent in its effects, as any of those convulsions, by which that unhappy country has been afflicted at any period of the late disturbances. By a repetition of precisely the same intrigues and

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the same violences which had been used to bring about all the former revolutions, through the terror which the Jacobin club inspired, and by the absolute domlnion which the municipality of Paris has invariably exercised over the pretended National Assemblies. A few individuals, of no distinguished talents, of the most desperate and profligate characters, despised until that moment, even in France, for the wild extravagance of their principles, and detested even there for their sanguinary and vindictive spirit, drove from the government a powerful majority of the Convention, consisting of men, who, although equally guilty of the crimes and calamities of their country, were at least supported by whatever remained of landed or commercial interest in the nation, by a great majority of the departments, and by all the principal cities, and manufacturing towns. Above an hundred and forty members of the Convention were expelled by force from their seats in one day; many of them were immediately imprisoned; and since that time, those who have not perished on the scaffold, have either fled the country, or destroyed themselves from the terror of suffering the same indignities and cruelties, which they had already exercised on others, and which they would have exercised on the antagonists, if the victory in this desperate contest had taken a different inclination.

I shall not dwell in this place upon the instability of any engagement which could have been entered into with a government subject, from its nature, to such sudden, total, and repeated changes, both of men and of measures; I will only request you to bear this general observation in mind, and to apply it to a subsequent part of the argument. The party which had triumphed by such means, recollecting that the Convention had been chosen for the express purpose of new modelling the constitution, although little or no progress had been hitherto made in that work, hastily, in the course of three weeks after their accession to power, put forth a most extraordinary production, under the title of a new constitution. This new version of the natural rights of man contains a digest of every visionary notion of political liberty, which has appeared in the speculations of the most wild of all the French philosophers, mixed with some principles and regulations, which bear the appearance of regard for the lives, liberties, and properties of the people. Whatever may be the absurdities of this system, it at least serves to show what were the principles of government, which the present rulers of France asserted to be not only indispensably necessary to the happiness of the people, but founded in strict right; and in this view, it may be a matter of curiosity, to compare this constitution with the subsequent measures of those who framed it. Not only the extravagant principle of individual suffrage, but its natural consequence, the principle of individual legislation, were enacted in their fullest extent; the laws were to be submitted to the sanction of the primary assemblies, and to derive their validity and binding force from the individual assent of above twenty millions of men. It was particularly enacted, that all regulations affecting civil and criminal justice the nature, amount, and collection of public contributions, and all alterations in the current coin, or circulating medium should require the previous sanction of the whole collective body of the people; certain objects of inferior importance, were to be determined by the decree of the representative body, without any reference to their constituents; the representative body was to be changed annually; the Executive Council, in which was solely vested whatever executive authority was suffered to remain in the state, was to be selected by the Convention, from a list framed by the electoral assemblies of the people, one-half of which list was to be renewed every six months; the municipal officers were to be chosen absolutely by the people in the departments. In order to render the administration of criminal justice independent of the executive or legislative authority, it was enacted, that the judges, in all the ordinary courts of justice, should be annually chosen by the electoral assemblies, and that there should be a court of general appeal, the judges of which should be elected in the same manner; certain leading principles were solemnly recognized, both in the declaration of rights, and in the concluding part of the constitution, which is entitled the guarantee of the rights of man—these principles were "that no man should be judged, and punished, until he had been heard; that punishments should bear a due proportion to crimes; that the right of property was that right which belongs to every citizen, of enjoying and disposing of, according to his pleasure, his goods, his income, the fruits of his labour, and of his in-

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dustry;—that no person could be deprived of the least portion of his property without his own consent, unless under the pressure of a public necessity legally proved, and under the condition of a just and previous indemnity; that the right of petitioning ought in no case to be interdicted, suspended, or limited; that the people have always the right to revise, reform, and change the constitution, and finally, that the constitution guarantees to the whole people of France, liberty, safety, property, the public debt, the free exercise of religious worship, the right of petitioning, and the right of assembling in popular societies." And for the better security of the people against any violation of these rights and privileges, it was declared, "that the oppression of a single member of the society was to be deemed the oppression of the whole body; and that whenever the government should violate the rights of the people, insurrection became both the most sacred right, and the most indispensable duty, not only of the people at large, but of every portion and division of them."

This formal recognition of some principles of incontestible truth, mingled with many of the most incoherent dreams, and many of the most pernicious doctrines, which ever occurred to the most enthusiastic zealot, or the most wicked conspirator in the cause of absolute and unqualified democracy, was tendered to the people in the several departments for their acceptance; and if we are to believe the reports made to the Convention, was actually accepted by a large majority. The acceptance of this model of perfection, which was to secure for ever the happiness and prosperity of France, was solemnly celebrated by a civic feast, on a day aptly chosen for such a ceremony, on the anniversary of the massacre of the 10th of August, when the last constitution, to which the people of France had sworn, was overthrown by force, when magistrates were murdered for executing the laws, citizens for defending property, and troops for obeying the orders of those, to whom by law, they owed obedience. But mark the sequel of this solemnity. The dissolution of the convention, the necessary and immediate consequence of this new constitution, would have destroyed the power of the now reigning party: many other branches of this constitution would have been equally incompatible with the duration of their authority. Not only, therefore, those articles which related to the form of the executive power, and to the election of the legislature, were left unexecuted, but the whole municipal constitution, and every article, in any degree favourable to personal liberty, to life, or to property, were continually violated without scruple, and without disguise; until, on the 10th of October, the entire system of the indefeasible, inalienable rights of man, from which nothing can derogate, which admit of no modifications of expediency, which neither bend to times nor circumstances, nor even to the practical happiness of society was formally and openly suspended; and, in defiance of the sovereign people, a new and unheard-of species of government was established, which, growing out of the theory of impracticable liberty, was to be maintained by the practice of the most unmitigated tyranny. A decree was passed, by which the whole executive authority of the state was thrown into the hands of the committee of public welfare. Provision was made for the rapid execution of what are termed revolutionary laws; and for the direction and employment of a revolutionary army, in order to repress every symptom of a counter-revolutionary spirit; and among the great fundamental articles of this counter-constitution, it was decreed, that the corn and grain in the several departments should be seized at the discretion of this new government; and that garrisons should be placed in all counter-revolutionary towns, to be paid and maintained at the sole charge of persons of property. This decree was proposed expressly for the purpose of punishing, "not traitors only, but even those who dared to be indifferent to the cause of the existing government, who had the audacity to be positive, and to do nothing for the sovereignty of the people:" it was said, "that such persons must be governed by the sword, since it was impossible to govern them by the maxims of justice:" it was said, "that the constitution of the 10th of August, 1793, was not sufficiently violent to repress such dangerous attempts against liberty:" it was said, "that revolutionary laws could never be executed, unless the government itself was constituted in a revolutionary manner." Such was the origin, and such is the form of that monster in politics; of which, as the very notion in-

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volves a contradiction of ideas, the name cannot be expressed without a contradiction in terms,—A revolutionary government! a government which for the ordinary administration of affairs, resorts to those means of violence and outrage which had been hitherto considered, even in France, as being exclusively appropriated to the laudable and sacred purpose of subverting all lawful and regular authority. The sense of the epithet revolutionary, which is so lavishly applied by the convention to every part of this new system, requires some explanation. An extract from the proceedings of the National Convention, will serve to exemplify the manner in which that singular phrase is understood and admired, by the most unquestionable authority, in the science of revolutions. Barrere makes a report respecting the situation of the republic, in the month of December; he reads a variety of dispatches from the National Commissioners in various parts of the republic; and, at length, he produces a letter from Carrier, one of the commissioners of the Convention, dated Nantz, December 10. This letter, after giving an account of a successful attack against the royalists, concludes with the following remarkable words: "This event has been followed by another, which has however nothing new in its nature. Fifty-eight individuals, known by the name of Refractory Priests, arrived at Nantz from Angiers. They were shut up in a barge on the river Loire, and last night they were all sunk to the bottom of that river—What a revolutionary torrent is the Loire!" —You expect, perhaps, to hear, that the disgusting relation of this inhuman action raised some emotions of horror, if not compassion, in the audience; you expect to hear, that the Convention manifested their resentment at this abuse of the revolutionary language; but does any symptom of such sentiments appear?—No! after having listened to this interesting report, the Convention votes the following resolution; "The National Convention, highly satisfied with the report of Barrere, orders it to be printed, inserted in the votes, and sent to all the armies."

Highly satisfied with this figurative illustration of the style, and title of that gracious and mild government which they had so lately instituted, they order it to be proclaimed and published over the whole territory of the Republic, to conciliate the affections of a free people, and to animate the enthusiasm of a brave and generous army. Here you learn the full force and energy of their new phraseology. The Loire is a revolutionary torrent, because it has been found a useful and expeditious instrument of massacre, because it has destroyed, by a sudden and violent death, fifty-eight men, against whom no crime was alleged, but the venerable character of their sacred function, and their faithful adherence to the principles of their religion. But this event is truly said to have nothing new in its nature; I dwell upon it for the application of the phrase, not for the singularity of the fact: every proceeding since the commencement of the troubles in France, which has been dignified by the title of Revolutionary, is marked with similar characters of violence or blood. The seizure of the property of the clergy, and of the nobility, was a Revolutionary measure;—the assassinations of Foulon and Berthier at Paris, and of the king's guards at Versailles in the year 1789, were revolutionary measures;—all the succeeding outrages; the burning of the title deeds and country houses of all gentlemen of landed property; the numberless confiscations, banishments, proscriptions, and murders of innocent persons—all these were revolutionary measures;—the massacres of the 10th of August, and of the 2d of September, the attempt to extend the miseries of civil discord over the whole world, the more successful project of involving all Europe in the calamities of a general war, were truly Revolutionary measures;—the insulting mockery of a pretended trial, to which they subjected their humane and benevolent sovereign, and the horrid cruelty of his unjust, precipitate, and execrable murder—were most revolutionary measures. It has been the art of the ruling faction, of the present hour to compound and to consolidate the substance of all these dreadful transactions in one mass; to concentrate all their noxious principles, and, by a new process, to extract from them a spirit, which combines the malignity of each with the violence of all; and that is the true spirit of a revolutionary government.

Some of the general principles and fundamental maxims maintained by the founders of this government are so curious, that it is impossible to pass them over in silence. They represent, that in a revolutionary state, civil liberty (including

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the personal freedom, the interests, and the happiness of individuals) is but a secondary object, the principal end of such government being (what they call) public liberty, which according to their definition, does not consist in the personal freedom of individuals, but in the unrestrained and arbitrary exercise of the supreme executive power. They assert, that under the existing circumstances, "liberty must be considered to be in a state of war," not with foreign powers merely, but with her numerous enemies in the bosom of the republic: it follows as a consequence of this principle, that those who act under the commission of liberty, may for her sake imprison, plunder, and destroy by the sword, the inhabitants of France, according to the rights of war, as exercised by belligerent powers in an enemy's country. This abstract idea of liberty at war with the properties, the lives, and the personal freedom of the people, however incomprehensible to a nation accustomed to feel the practical and substantial advantages of a free constitution, is the favourite doctrine of Robespierre, to which the convention has subscribed with the warmest zeal; connected with this, is the main and leading maxim, upon which their whole system turns; it is expressed in terms which, although originally derived from the proceedings of this House, will appear to you, Sir, somewhat singular in their application; it is, "that terror should be the order of the day," and that (for the purpose of enforcing a general observance of this order) "the salutary movement of terror should be circulated from one extremity of the republic to the other by means of a rapid execution of the revolutionary laws." Here, then, you perceive that terror is not only the avowed instrument, but the sole end of what in this new system is called by the name of law. The government openly renounces the antiquated error, of founding itself in the affections, the interests, and the happiness of the people, and publicly declares, with a boldness unparalleled in the history of usurpation, that it neither possesses, nor expects, nor desires any other security for the maintenance of its power, than abject fear, and general consternation.

To diffuse this consternation as widely as possible, and to remove every obstacle to the rapid circulation of that sentiment, which was so essentially necessary to the vigour and action of the administration, an operation was performed, which may be considered as the preliminary step to the general introduction of the whole plan. In open violation of the principles, solemnly sanctioned in the constitution, whereby the absolute choice of the municipal officers is reserved to the people, commissioners were sent into every city, town, and village of France to regenerate the municipalities: that is, to substitute in the place of municipal officers, chosen by the inhabitants, under their forms of election, other officers named according to the sole and arbitrary will of these commissioners.

But even this was not sufficient; the right of assembling in popular societies, which had been deemed of such importance as to hold a place in that part of the constitution which is entitled the guarantee of the rights of man, being found inconvenient in a revolutionary state, was also set aside without scruple; and the same commissioners had orders to regenerate all the popular societies. This work of regeneration was performed differently, according to the exigency of the particular case: in some places, the obnoxious persons were imprisoned, in others they were executed, and in all, they were replaced, as I have already stated, by persons named at the discretion of the commissioners. In many instances, however, the aversion to the new tyranny was found so obstinate and incurable, that the commissioners were actually obliged to send to Paris for good Sans Culottes, warranted by the Jacobin club, and to appoint them to fill the municipal offices, and the popular societies. The extract which I shall now read from a letter of one of these commissioners, will give a summary view of this extraordinary stretch of arbitrary power, and of the principles with which it was connected. "Herault, Schelles, in a letter dated Plotzheim, November 27, gave an account of his measures for restoring the Republican spirit in the department of the Upper Rhine. He had regenerated the popular societies and committees, organized the movement of terror, created a central committee of revolutionary activity, detached a revolutionary force from the army, to traverse the whole department; erected a revolutionary tribunal, and was preparing a feast, and celebration of reason, a remarkable conquest in that part of the country, over profound ignorance, and inveterate fanaticism." Thus, Sir, was erected a government,

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which in its form, in its avowed principles, and in its general spirit, is not only incompatible with the existence of all just and rational liberty, but directly contradictory to all those opinions which have been so industriously inculcated in France, and to every doctrine which has been (to use their own phrase) consecrated in either the new or the old version of the Rights of Man. Thus was established, and thus is now exercised, a government which is, in the strictest sense of the words, the most atrocious, and the most degrading tyranny that has ever trampled on the liberties, and sported with the happiness of a great nation.

If this description seems to be exaggerated, look at the practice, look at the details of this government! View its operation and effect upon all those means, by which the great ends of civil society are to be accomplished. Inquire from what sources, and through what channels it draws the public revenue? how it affects the systems of agriculture and commerce? with what attention to the internal prosperity of the country it levies and maintains the public force? what provision it makes for the pure and equal administration of justice? how it regards religion, that great basis of every moral and civil duty? and as the result of all these considerations, what is the real condition of all the inhabitants of France, with respect to the security of liberty, of property, and of life? and consequently, what must be the disposition and temper of the people, what the permanent strength of the state under all its actual circumstances, and what the stability of that power, which now menaces, and holds at defiance, the united force of Europe? At the accession of the revolutionary government, the expenditure of France stood, as far as can be gathered from an account of three months, at the end of the year 1792, at the enormous rate of twelve millions sterling per month. The resources of the country had already been greatly injured by former mismanagement: agriculture and internal trade had already suffered by the first attempts towards the establishment of that gigantic system of military force, which has since been carried to such an excess; foreign commerce had already much declined; and both public and private credit had been greatly embarrassed by the quantity of assignats in circulation; an evil of such magnitude, that even as early as the month of November 1792, the plunder of the Netherlands was proposed by the minister of finance, as the only remedy which could avert the impending danger. Since the revolution of the 31st of May, the expenditure has been so much increased, that, according even to the accounts laid before the Convention itself, the expense of the month of August was above eighteen millions sterling; and there is reason to believe, that the real charges of the succeeding months may have exceeded that sum. But as the *levée en masse*, or compulsory levy of the mass of the people, took place about that time, by which it is stated, that five hundred thousand additional men have been raised, the maintenance of so vast an army must be such an increased charge, as seems to justify the supposition that eighteen millions sterling may be taken as the average of the present monthly expenditure of the revolutionary government. This would make an annual expenditure of two hundred and sixteen millions sterling; a sum which nearly approaches to the amount of the whole national debt of England.

The total ordinary revenue of France before the war was stated to be about 600 millions, or about 25 millions sterling, arising from duties on imports, taxes upon real and personal property, stamp duties, and duties on registry of deeds, bills of exchange, notes of hand, &c. The total collective income of all the individuals in France is stated, in the financial reports of the present government, to be one hundred and twenty millions sterling, of which one-third is said to arise from commerce; so that, if the account here given be correct (and there is every reason to credit it) it appears that the annual expenditure of the government of France at present exceeds the total collective income of the individuals of the country by the enormous sum of 96 millions sterling; or, in other words, that there is an annual waste of ninety-six millions of the aggregate capital of France, by the expenditure of the government alone, besides, what is consumed by the expenses of private individuals. To supply an expenditure infinitely exceeding the prodigality and extravagance of any government that ever yet appeared in the world, the revolutionary government had recourse at first to the practice of increasing the mass of paper money. They declared, that they had no other means of sustaining the pressure of the present war, than by the creation of an

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additional quantity of assignats, upon the pledge of the national property, consisting of the ancient church lands, the estates of the Crown, the resumed grants or sales of crown lands, and the estates, real and personal, of the emigrants, and of all persons executed for state crimes. But they have been compelled to confess, that this resource of assignats cannot be available to any thing like the extent to which it was carried by their predecessors; and both from their language and their measures there is every reason to believe, that they are convinced it cannot long be available at all. There is not a single speech or report upon the subject of finance, in which the quantity of assignats already in circulation is not represented as a grievance of the most urgent nature. In one of the reports they declare, that assignats are become their only instrument of commerce and measure of value; they give them the favourite title of revolutionary money; and then they describe their effect, which is indeed of the genuine revolutionary character; they say, "assignats grind the poor, cheat the rich, foment avarice, and nourish every species of ruinous speculation."

Upon this reasoning they determine that it is absolutely necessary to diminish the quantity of assignats in circulation, and they enter upon a variety of projects and experiments for that purpose, which together form a system of finance so absurd and iniquitous in its principle, and so rapidly destructive in its operation, that its existence in an age conversant with every question of political economy would be incredible, if it were not capable of proof by reference to the authentic reports of the several committees, and to the decrees of the convention. One of their first steps was, to forbid, under colour of a republican zeal for the extinction of every trace and vestige of the monarchy, the circulation of all assignats of above a hundred livres, bearing the image of the late king. This outrageous act of public fraud is attempted to be justified by a most singular train of reasoning. Twelve or fifteen hundred millions of livres (that is, about 50 or 60 millions sterling), they say, are due on account of arrears by the purchasers of national domains; and six or seven hundred millions of livres (that is from 25 to 30 millions sterling) are due on account of arrears of taxes; they therefore permit these *dismonied* assignats, as they call them, to be received at the public treasury in payment of either of these classes of arrears, provided such payment be made before the 1st of January, 1794. It is evident that this relief could have only a partial operation; it makes no provision whatever for the case of that numerous description of persons who might be in possession of royal assignats above the value of a hundred livres, and yet might not be indebted to the public treasury to that amount. But this was followed by a proceeding still more violent: on the 14th of December it appeared that there remained royal assignats of above 100 livres outstanding to the amount of 178 millions of livres, a sum exceeding 7 millions sterling. Cambon, in reporting upon the subject, treats this sum as a mere trifle; he adds, that none but aristocrats could at that period be the holders of royal assignats, and nobody could feel any regret at seeing them perish in such hands; besides the republic would gain 50 or 60 millions (or about 2,500,000*l.* sterling) by this new operation. Upon this ground a decree passes on the 14th of December, declaring, that after the 1st of January, 1794, no royal assignat of above a hundred livres shall either be circulated or received in the treasury on any account; that all holders of any such assignats, after that day, shall be bound to bring them to the municipalities to be burnt; and that after the 1st of February, any holder of such an assignat shall be deemed a suspected person, and exposed to the vengeance of the Republic. This decree can be considered as nothing less than a direct act of bankruptcy; to what precise amount must have depended on the value of the assignats paid into the treasury between the 14th of December, 1793, the day on which the decree passed, and the 1st of January, 1794, the time limited for receiving such assignats at the treasury. Cambon states, that the gain to the Republic would be about 2,500,000*l.* sterling. We may therefore, at least, take the amount of the bankruptcy of the Republic upon his calculation.

The next proceeding which I have to state is of a still more extraordinary complexion; on the 24th of August, 1793, a subscription was opened for a loan at 4 per cent. interest, for the purpose of taking up assignats. This loan was called by a singular epithet, the voluntary loan, to contra-distinguish it from the forced loan by the plan of which it is accompanied in the same report, although the details of

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that plan were not formally enacted until the 3rd of September. Few or no voluntary subscribers having appeared, as might naturally be expected in a country where there is no public credit, and no security for any property, and least of all for any property in the public funds, the companion of the voluntary loan was now brought forward; and a decree was passed, exacting from the people of France a forced loan of one milliard, or forty millions sterling, being one third of the total collective annual income of all the individuals in France, according to the statement of the convention itself. The object of this measure is stated expressly to be to diminish the mass of assignats, and to bind the rich citizen to the fate and to the success of the revolution. This loan is to be levied on all income arising from property in the public funds, from private annuities, from interest of capital employed in commerce, in banking, or generally in profitable business of any kind. But this is not enough; even what is called idle capital is not exempt. Idle capital is defined to be "any sum exceeding his half-yearly income, which an egotist may have laid by either in his strong box, or at his banker's, or in the hands of persons indebted to him." This unproductive property is estimated to produce five per cent. interest, and according to that rate is to be reputed as income, and to be made liable to the tax; any profit made upon capital employed before the year 1793 is also to be rated at 5 per cent. and subjected to the tax. A commission is appointed to ascertain every man's income, and every man is bound to give in the name and dwelling place of all his creditors. No interest is allowed upon this forced loan, and no part of it is to be repaid until the term of two years after the peace, when attested receipts of payments on account of the loan are to be admitted in the purchase of national domains. The rate of this tax is as follows: on all yearly income, not exceeding a thousand livres, or forty pounds sterling, one-tenth is to be taken. The tax then increases progressively one-tenth upon each one thousand livres, or forty pounds sterling, until where the income reaches ten thousand livres or four hundred pounds sterling, two hundred and twenty pounds are absorbed by the tax. All income above 400*l.* sterling is to be taken absolutely and entirely, so that the first basis of calculation on which this measure is founded is, that for the present year, no man in France shall have an income of more than one hundred and eighty pounds.

There are, however, certain deductions allowed; to bachelors 40*l.* income free from the tax; to every married man 60*l.*, and the ample allowance of forty pounds for the maintenance of his wife, and the same for each of his children; and all those who may choose to take charge of an old man, or of the wife or child of a defender of the country, are to be allowed the same addition of forty pounds free income. What may be the expense of maintaining the wife or child of a defender of the country, is difficult to compute; probably the intention of this regulation was, to afford a pretext to the jacobins, and to their friends, for evading this grievous tax. I leave it to the House to decide what the operation of this tax must be upon the higher classes affected by it; and what relief it would be to a man of ten, or five, or of one thousand pounds a year, who should be reduced at one blow to an income of one hundred and eighty pounds, to be allowed forty pounds, for the maintenance of his wife, and the same sum for each of his children. In reasoning upon this part of the question, the Convention declare, that they would not have "confiscated the whole income beyond four hundred pounds, if this measure were to be permanent; because it could never enter into their views to place any bounds to the emulation, or to the industry of the people; but it was their object, leaving to every man the enjoyment of the fruits of his labour, to reduce to the level of equality, by gentle ways, those fortunes which had risen above it." They add, however, that it is indeed true, that this measure will be very partial in its operation; it must fall most heavily on men of property; but they deserve no mercy; if they have the obstinacy to hoard up their unproductive capital in their coffers, they must suffer the penalties due to such a robbery, committed against the rights of society, and against the beneficial circulation of cash; for what is the injury to egotists in the forced loan? Let them carry their money to the voluntary loan, before the month of January; it will be received in discharge of the sums due on account of the forced loan, and interest will accrue upon it, payable at the convenience of the state. In this light the forced loan is a benefit to egotists; although it may restrain their luxury for a

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time, it compels them to draw a profit from their idle capital; and economy is a virtue which ought, above all others, to be cherished in a republic."

Here, Sir, is such an advantageous proposal, as was never before made to men of property of all descriptions; those who have large incomes, arising from landed estates, property in the funds, or capital profitably employed, are invited to pay, in the course of four months, nearly the whole anticipated receipt of twelve into the public treasury on account of the voluntary loan; and are assured, that the time will come, when they shall receive interest for their money. Those monied men, who from motives of prudence, have not thought fit to embark their property in the uncertain funds of a distracted state, are invited also, on the ground of economy, to pay into the treasury on account of the voluntary loan, 5 per cent. upon that which produces them nothing, under the risk of entirely sinking the sum so advanced, and upon the faith of a precarious and illusory promise, that they shall receive in the interval a per-centage, insufficient to indemnify them for their immediate loss.

But if any person should be so negligent of his own interests, and so forgetful of the true principles of domestic economy as to reject this invitation to contribute all his means of present subsistence to the voluntary loan before the month of January, he is compelled to pay the whole to the forced loan by the month of March, without the prospect of receiving any interest at all, or of being repaid his principal until the period of two years after the peace: and if he should not be able to pay the sum at which he is rated by the month of March, his property is liable to seizure; and when the sum is levied, he forfeits it absolutely to the state, and entirely loses his right of re-payment. Thus (say the commissioners of finance in their report on this subject) "The forced loan allies itself with the voluntary loan; thus these two salutary operations are intimately mixed and blended together, and reciprocally support each other. Such are the measures which ought to date their origin from the epoch of a constitution, which consecrates and guarantees the true principles of society. The legislators have recorded, in the first article of their decree upon the forced loan, their homage to the constitutional principle of respect for property; for by this tax they only take every man's income, and by allowing him to retain his capital, they leave him all that he possessed in reality before." These, Sir, are the gentle ways of equality; these are the lessons by which the people of France have learnt the intimate and natural alliance between compulsion and consent, and this is the nature of that homage which the revolutionary government has paid to the rights of property in this great financial operation. Notwithstanding that the public debt had been guaranteed by the constitution of the 10th of August, 1793, the funds are by this scheme subjected to a tax; the fundamental principle of the whole commercial system, which consists in the application of the profits of one year to support the enterprises of the next, is overturned at one blow by this violent confiscation of so large a proportion of the annual income arising from profitable capital.

The injustice and mischief of this project in its general operation on other branches of property, have sufficiently appeared in explaining the regulations and doctrines on which the decree is founded. The effects of so sudden and violent a reduction of income in all the classes above 400*l.* a year, must extend equally to all the lower classes also; it must be as severely felt by the poor as by the rich who are the immediate objects of the exaction. All the servants, dependants, tradesmen, workmen, or labourers, who have been used to draw their maintenance either from the benevolence, or from the necessary demands of such persons of property, must instantly be ruined, by the failure of that source from which they derive their only means of subsistence. The only just observation in the whole course of the voluminous reports on this measure is, that it is not of a nature to be renewed; it is evident, that whatever might be its produce in the first year, such must be its rapid and ruinous effects, that even if it were to be renewed in another year, it never could be productive. It was stated by Cambon, late in the month of November, that although this tax had been collected at Paris, where the movement of terror may be supposed to be most active, very little had been received in the several departments. The means which have been employed for enforcing this and other extortions, I shall have occasion to consider presently, as well as the total amount of the sums which they are said to have brought into the national treasury. In the same spirit with this general forced

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loan, local loans have been levied in different parts of the republic, which however have not, on that account, been exempted from the general contributions. At Bourdeaux, during the regeneration of that city, large sums were raised in order to punish, what is styled, the malevolence of the rich, and the crime of egotism; a crime which, as nearly as any definition of it can be collected from the proceedings of the Convention, consists in the possession of property, and the application of it to the use of the possessor, or to any other purposes than those which the rapine of the present tyrants of France is pleased to prescribe. At Strasbourg, a loan of twenty millions of livres, nearly a million sterling, was levied exclusively upon the rich, by St. Juste, one of the national commissioners. Some proceedings of this nature were so violent as to have been made a matter of complaint in the Convention. It was stated to the Convention on the 30th of September, that one of the national commissioners in the department of Loiret, imposed arbitrary taxes, unauthorized by law, upon the citizens. A particular case was adduced, and a motion was made that the taxes so imposed should be repealed, and the commissioner reprimanded. It was answered, "that the Convention would not embarrass the proceedings of their commissioners for the sake of aristocrats and counter-revolutionists; and the convention accordingly, upon a special case, stated of a tax levied without authority of law by the arbitrary power of one of their own commissioners, stifled all inquiry, and passed to the order of the day." Complaints having been afterwards made that the revolutionary taxes were not paid into the public treasury, it was decreed, "that the produce of all taxes levied upon citizens in any part of the Republic, by incompetent authority, should be paid into the public treasury; and that those who had collected such taxes in the several departments, should be accountable to the public for the sums which they have received." This decree contained no provision whatever for refunding any part of these illegal exactions to the persons aggrieved, while it gave the sanction of the Convention to such unwarrantable oppression, by applying the profits arising from it to the use of the state, as a regular and legitimate article of revenue. Such being their mode of diminishing the mass of circulating assignats, the next leading branch of their financial system, was the effort made for procuring gold and silver. It will appear rather extraordinary to the House, that the first measure taken with this view should have been the proscription of those metals. A letter is received from Fouche, commissioner in the central and western departments, in which you may perceive the first symptoms of a growing indignation against gold and silver. He says, "gold and silver have been the causes of all the calamities of the republic: I know not by what weak complaisance those metals are still suffered to remain in the hands of suspected persons; let us degrade and vilify gold and silver; let us drag these deities of monarchy in the dirt, and establish the worship of the austere virtues of a republic." He however adds, "I send you seventeen chests filled with gold, silver, and plate, of all sorts, the spoil of churches and castles; you will see with peculiar pleasure, two beautiful croziers, and a ducal coronet of silver, gilt."

This ingenious idea of vilifying and degrading valuable effects, by seizing them for the use of the revolutionary government, is not lost upon the French minister of finance. A few days after the receipt of this letter, a citizen appears at the bar, and desires to be permitted to exchange certain pieces of gold and silver, bearing the image of the tyrant, for republican papers. This patriotic and disinterested offer, as you may imagine, was gladly accepted by the Convention; but upon a motion being made that honourable mention of this transaction should be inserted in the votes, the chancellor of the exchequer rises with the utmost indignation to oppose so monstrous a proposition—he delivers a most eloquent and vehement invective against gold and silver; he says "In a short time the world will be too happy, if we should deign to receive pieces of metal bearing the effigy of tyrants, in exchange for Republican assignats; already the whole nation rejects and despises those corrupting metals which tyrants originally brought from America for the sole purpose of enslaving us. I have in contemplation the plan of a sumptuary law, by which I will drive that vile dung once more into the bowels of the earth."

What was the sumptuary law by which the chancellor of the exchequer proposed to accomplish this salutary reform? Here is that excellent law: "All gold and silver

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metal, in specie or plate; all jewels, gold and silver lace, or valuable effects which shall be discovered buried in the earth, or concealed in cellars, walls, rubbish, floors, or pavements, hearths, or chimneys, or in any secret place, shall be seized and confiscated for the use of the Republic; and the informer shall receive a twentieth part of the value of whatever he shall discover, to be paid in assignats." Concealment alone is the crime on which this law attaches, without even any of the ordinary pretences of aristocracy or disaffection. In consequence of this decree, every place in which it was possible to conceal treasure is searched with the utmost rigour; the privacy of every house is violated; every cellar and garden is dug up: and the chancellor of the exchequer, with the most unrelenting spirit of persecution, pursues the objects of his hatred and contempt even to the bowels of the earth, where he had threatened to drive them.

About the same time a law was passed appointing commissioners for receiving on behalf of the nation, the gold and silver plate, and every other valuable article which had been consecrated to the use of religious worship in any part of the country. This leads me to a most distinguished feature of the revolutionary government; I mean the formal abolition of religion. It may appear extraordinary that I should introduce in this part of the argument a subject which, from its serious and awful nature, might seem to demand, a separate and distinct consideration. But in order to show the system which I am describing in its true colours, I am compelled, even in the distribution of this detail, to follow the course of the extravagant follies, and of the eccentric crimes which distinguish the revolutionary government, not more by their absurdity and magnitude, than by their novelty and singularity. For this reason I must class the abolition of religion under the head of revenue. The main object of this measure was certainly to obtain a new resource, by seizing the salaries of the clergy, and by plundering the ornaments of the churches. There was, however, another collateral object inseparably connected with the first, to strengthen the foundations of the revolutionary government, and to reconcile the minds of the people to the crimes of their tyrants, by destroying the first elements of all moral principle, by dissolving the firmest bond of civil society, and by subverting the strongest bulwark of lawful authority.

The plan for the accomplishment of these combined objects was deliberate and systematic, and pursued from beginning to end with the utmost regularity, consistency, and vigour. The ground-work of this scheme had, indeed, been long laid: it may be traced in the seizure of the church-lands, in the oath exacted from the clergy by the civil constitution of 1792, and in the persecution and massacre of those who had the virtue and courage to reject that oath, and to sacrifice their fortunes, and expose their lives, for the sake of the established religion. The fury of that persecution had been nearly exhausted before the 31st of May, and the revolutionary government found no priests in possession of salaries from the state, but those who had submitted to the constitutional oath. The first step taken was, to reduce the salaries of the priests to an allowance scarcely sufficient for their subsistence. Soon after, all disguise was thrown off, and the convention, on the one hand, excited the people, by a public address, to despise their clergy, as a useless and unnecessary burthen: and, on the other, openly proposed rewards to such priests as should voluntarily renounce not their salaries only, but the duties of their sacred office. The commissioners in the several departments received instructions to enlighten the public mind, and to encourage the abdication of the clergy. Some extracts from the addresses of the clergy, and from the letters of the national commissioners, will best explain the true spirit of these proceedings. An address, dated the 30th of October, from the curate of Villes de Luchon, says, "Legislators, I come to make a public confession, and to declare my repentance. Why should we spare established prejudices? For my part, I believe that no religion, in any country in the world, is founded in truth. I believe that all the various religions in the world are descended from the same parents; they are all the daughters of pride and ignorance. I believe that Heaven is nothing more than the happiness which attends virtue on earth, I render this solemn homage to truth. Universal morality is become my gospel; and henceforth I mean to draw my texts from thence alone, and to preach in no other cause than that of liberty and my country. Fanaticism will not now listen to me; but by habits of truth men will be converted to reason; and we may hope that soon priests of all religions will com-

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prehend the triumph of philosophy and of the liberty of nations, and acknowledge the difference between the functions of the priesthood and the duties of honesty and virtue." Upon receiving this address, the Convention decrees, "that all similar addresses of renunciation of the ecclesiastical character, and of the function relating to it, shall be lodged with the committee of public instruction, which is ordered to take effectual measures for rendering all such public acts useful to the history of the revolution, and to the public education." This proceeding does not satisfy the eagerness of Thuriot; he observes, that, "he has no doubt that the new creed will soon efface all memory of the old; but in order that truth may be carried into every part of the republic with more promptitude and effect," he moves "that all similar letters should be translated into all the provincial idioms." Not satisfied even with the hope of propagating these liberal doctrines in the provinces, he carries his benevolence beyond the limits of France. He says, "it is not sufficient to enlighten one part of Europe; this is a case in which it may be right to soften the rigour of the French laws respecting foreigners; it should be the duty of the Convention to assume the honourable office of diffusing truth over the whole earth." And upon this motion it is decreed, "that all renunciations of the functions of religion shall be translated into all foreign languages." In the same month the archbishop of Paris enters the Convention, accompanied by a solemn procession of his vicars, and by several curates of Paris. He makes a speech, in which he renounces the priesthood in his own name, and in the name of all his attendants; and he declares that he does it, "because he is convinced that no national worship should be tolerated, excepting the worship of liberty and equality." The votes of the Convention mention, that the archbishop and his curates were received and embraced with transport by the whole Convention; and that the archbishop was solemnly presented with a red cap—before he left the Convention, several members, who were clergymen, rose up, and imitated his example, by adopting his creed. The day concludes with a speech from Julien of Toulouse, a member of the Convention, and a minister of the Protestant Church; he says, "for twenty years I have exercised the functions of a Protestant minister; I declare that I renounce them for ever. In every religion there is more or less of quackery [great applauses]. It is glorious to be able to make this declaration under the auspices of reason, of philosophy, and of that sublime constitution which has already overturned the errors of superstition and monarchy in France, and which now prepares a similar fate for all foreign tyrannies. I declare that I will no longer enter into any other temple than the sanctuary of the laws, that I will acknowledge no other God than liberty, no other worship than that of my country, no other gospel than the republican constitution; such is my profession of moral and political faith. I shall cease to be a minister of the Protestant church; but I shall think myself equally bound to advise, exhort, and instruct, my fellow citizens in the Jacobin clubs, and in the public squares; there I will preach, and there I will inspire them with the love of liberty and equality; I will soon lay upon the table my letters of ordination, of which I hope you will have the kindness to make an *Auto da fe*." The letters of the national commissioners are full of the same zeal: Lequinio and Laignelot, deputies of the Convention, write to that assembly, from Rochefort, on the 2d of the same month, in these words: "We pass from miracle to miracle; soon our only regret will be that no more miracles remain to be performed. Eight priests of the Catholic persuasion, and one minister of the Protestant church unfrocked themselves on the day of the last decade, in presence of the whole people, in the temple of truth, heretofore called the parish church of this town; they abjured the errors which they had so long taught, and they swore henceforth to teach nothing but the great principles of morality, and of sound philosophy; to preach against all tyrannies, political and religious, and at length to display the right of reason to mankind. The whole people, Protestants and Catholics, swore to forget their ancient superstition. In this town there will no longer exist more than one mode of preaching morality; there will exist but one temple, that of truth; but one repository for the remains of the dead, whose resurrection has been perpetually preached by superstition for the torment of the living. The Rights of Man and several other constitutional laws, are to be substituted in the room of the mysterious ornaments of the churches. We thought it right to recompense the courage of these philosophical priests, who

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have been the first to shake off the yoke of superstition. We have accordingly granted to each of them for their lives a pension of fifty pounds a year. Every thing goes on smoothly here; the people, of their own accord, approach the torch of reason, which we hold up to them with an air of mildness and fraternity. The revolutionary tribunal which we have established quickens the motions of the aristocrats! and the guillotine strikes the heads of traitors to the ground." The same commissioners, in another letter, say, "The people of Rochefort triumph over all prejudices; they now exchange their gold for assignats; and we have no doubt that their example will soon be followed throughout all France; and that soon the whole people, renouncing the ancient habits which they had contracted under the royal government, will demand the suppression of all money in specie, as they have already destroyed every remnant of Presbyterian mummery We announce to you with great satisfaction, that the popular society of Rochefort has selected from its own body several preachers of morality, who are gone upon a vicarial mission into the villages and hamlets of the neighbouring district. We are informed that these apostles of reason make proselytes wherever they go. If this measure had been adopted, at the commencement of the revolution, we should have never heard of La Vendée." Boisset, another commissioner, gives an account of his operations in the departments of Ardeche, La Drome, du Gard, and Herault. He says, "Fanaticsm is destroyed; Catholics and Protestants, forgetting their former animosities, unite in the same worship,—that of liberty and the laws. The altars of Christianity are replaced by altars more holy. The whole people will soon assemble before them, each decade, to render homage to liberty."

Wherever the priests could not be induced, by gentler methods, to abjure their profession; wherever the people did not willingly approach the torch of reason and truth, the most rigorous measures of persecution were adopted. Dumont, one of the national commissioners, announces to the Convention, "that, in order to destroy fanaticism, he arrests all priests who celebrate religious ceremonies on Sundays." He adds, "that he includes all those monsters, called priests, in his general list of proscription; and that he has made several captures of those infamous bigots." This letter was greatly applauded in the Convention. But the zeal of the municipality of Paris was most eminently distinguished in every period of this impious and cruel persecution. The conduct of that body merits peculiar attention, not only because it had so large a share in producing the revolution of the 31st of May, but because it is likely to have an equal influence in any future convulsion. The municipality of Paris decreed, "that all churches and temples of religious worship, of whatever denomination, existing at Paris, should be instantly shut; that the priests and ministers of the different religions should be responsible for any commotions on account of religion, which might happen in consequence of this decree; that any person requiring the opening of a church or temple for the celebration of religious worship, of any kind, should be put under arrest, as a suspected person; and that the revolutionary committees should be invited to keep a watchful eye over the clergy of every denomination. The cathedral church of Notre Dame at Paris, and all the parish churches, were shut up for some time, until they could be regenerated and purified from every taint of Christianity. The cathedral church was formally dedicated to reason and truth by a decree of the Convention, passed at the instance of the municipality of Paris: other churches underwent a similar purification: many were dedicated to reason, many to truth, some to probity and the nation, some to liberty and equality: but all, without exception, were alienated from the service of God. Nor was it merely against Christianity that these efforts were directed: on the 12th of November, a Jewish Rabbi is introduced into the council general of the commons of Paris; he makes an offering of the ornaments of religious worship employed in his synagogue; they are received with the warmest applause; and this interesting scene is recorded in the following words: "The council general, in testimony of its sense of the disinterested conduct of the citizen Benjamin Jacob, heretofore a Jew, resolves, that civic mention shall be made of his name in their votes. On this occasion the members of the council vied with each other in giving the fraternal kiss to this respectable philosopher."

On the same day a report was received from the popular society of the Section

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of the Museum, announcing that they had "executed justice upon all the books of superstition and falsehood; that breviaries, missals, legends, together with the Old and New Testament, had expiated in the fire, the follies which they had occasioned among mankind." A book of registry was opened at the town hall, for receiving the declarations of those who wished to give proofs of their civism, by abjuring the functions of minister of any form of religious worship whatever. All this passed at Paris under the eye of the Convention, not only without their opposition, but with their formal approbation and concurrence. In order to take the lead in completing the salutary work in which they had hitherto borne so active a part, the council general of Paris decreed "that a civic feast should be celebrated in the heretofore cathedral church, and that a patriotic hymn should be chanted before a statue of liberty, to be erected in the place of the heretofore Holy Virgin."

You remember the circumstances of that extravagant orgy to which this decree was the prelude; you remember the introduction of the goddess of Reason into the Convention; the fraternal ardor with which she was embraced by the president in the chair, by the secretaries at the table, and by all the members present, and the piety with which she was afterwards publicly worshipped by the whole legislature of France in the cathedral church, or (to use their own language), in the regenerated temple of Reason and Truth: there the archbishop of Paris officiated in his new character, with a red cap on his head, and a pike in his hand; and with that sacred weapon, which he bore as the symbol of the united deities of Reason and Liberty, having destroyed or defaced whatever emblems of the christian religion had escaped the first purification of the regenerated temple, he terminated this auspicious ceremony by placing the bust of the regicide Marat on the altar of God. To perpetuate the memory of this solemn act and celebrity of atheism, the Convention voted that a colossal statue should be erected upon the ruins of all the emblems of monarchy and religion. The impiety of the sections of Paris seems to have received new vigour from this august ceremony. A deputation from the section of Unity was soon after received in the Convention; the deputies were laden with the spoil of one of the richest churches at Paris: to this acceptable offering they added an address, full of energy, in which they congratulated the legislature, "that reason had gained so great a victory over superstition; that a religion of error and of blood was annihilated; a religion which, for eighteen centuries, had occasioned nothing but evils upon earth: and yet it was pretended to be of divine origin."

Here the address enumerated several different epochs of Christianity in which murders and massacres have been committed. It continued in these words: "Such are the works, such are the trophies, of this religion: may it be obliterated from the face of the earth! happiness will then return; mankind will live like friends and brothers: from this auspicious moment history, whose painful task has hitherto been to record the crimes of religion, shall have nothing to commemorate but virtue and happiness. We swear that we will tolerate no other worship than that of Reason, Liberty, Equality, and the Republic." It appears by the votes, that the whole convention joined in this oath; and the president made the following reply to the address: "In a single moment you have annihilated the memory of eighteen centuries of error; your philosophy has offered to Reason, a sacrifice worthy of her acceptance, and fit to proceed from a true republican spirit. The Assembly receives your offering and your oath in the name of the country."

These proceedings in the Convention and municipality were seconded by good writings, industriously circulated among the people, by the means ordinarily employed for the propagation of every favourite doctrine. In one of them appears the true spirit and principle of this reform: it is there maintained, in plain and direct terms, "That provided the idea of a Supreme Being be nothing more than a philosophical abstraction, a guide to the imagination in the pursuit of causes and effects, a resting place for the curiosity of inquiring minds, a notion merely speculative, and from which no practical consequences are to be applied to human life, there is no great danger in such an idea: but if it is to be made the foundation of morality; if it is to be accompanied by the supposition, that there exists a God who presides over the affairs of the world, and rewards or punishes men for their actions on earth, according to some principle of retributive justice; there can be no opinion more prejudicial to the in-

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terests of society: that the idea of a Supreme Deity is a despotic idea, and must be so in all times; that mankind can never be really liberated or republicanised, so long as they shall preserve such a notion; that beings who adore an invisible master will easily believe that he may accomplish his ends by earthly agents; and reasoning by analogy, they must conclude the necessity of some system of ranks and orders of society, and finally of some regular government among mankind; and thus the servitude of the understanding will enslave every moral and political principle."

From the mouths of the principal actors in this extraordinary scene, I have brought before you the main scope and object of their design: it was not (as we have been told on this day) to purify their own established mode of worship, and to clear it from the errors of the church of Rome; Protestants were invited to unite with Catholics in the extinction of the Protestant as well as of the Catholic religion; Protestants as well as Catholics were denied the liberty of assembling for the purpose of public worship; Protestant as well as Catholic churches were shut up; and those who dared to celebrate religious worship of any kind, were arrested and treated as suspected persons. Christianity was stigmatized through the organ of the president of the Convention, amidst the applauses of the whole audience, as a system of murder and massacre, which could not be tolerated by the humanity of a revolutionary government. The Old and New Testament were publicly burnt, as prohibited books. Nor was it even to Christianity, of any denomination, that their hatred was confined. Even Jews were involved in this comprehensive plan; their ornaments of public worship were plundered, and their vows of irreligion recorded with enthusiasm. The rigour of the laws respecting foreigners was relaxed, in order that impiety might be universally propagated for the general benefit of all mankind. The existence of a future state was openly denied, and modes of burial devised for the express purpose of representing to the minds of the people, that death was nothing more than an everlasting sleep; and to complete the whole project, doctrines were publicly circulated under the eye of the government, maintaining that the existence of a Supreme God was an idea inconsistent with the liberty of man: and yet a noble earl in this debate has lamented that the French government should have met with any interruption in their laudable efforts for the destruction of despotism and superstition! I trust those expressions were inconsiderately used: we are not yet sufficiently enlightened in this House to consider an attack against Christianity, and even against the belief and worship of a God, as a laudable effort to destroy superstition. So very little has the noble earl examined this subject, that the most striking features of this whole system has entirely escaped his observation. It is a circumstance well deserving of attention, that as the anarchy which prevails in France is accompanied by all the evils of despotism, so their atheism bears all the most odious features of superstition. Their enthusiastic worship of those abstract ideas of liberty and equality which they have substituted in the place of God; their bigoted infidelity, their intolerant zeal for the propagation of atheism, and their furious spirit of persecution against every mode of worship, have not been surpassed, and have seldom been equalled in the most sanguinary periods in which misguided and fanatical superstition has ever disgraced the cause of religion.

But since the noble earl has, it seems, connected these impious proceedings with certain political principles, I beg his attention to what I shall now offer on that subject, with the view of showing to the House the intimate alliance between all the parts of the French system, and the various modes in which they all mutually aid and co-operate with each other.

The abbe Seyes, the author of the original Declaration of Rights, and one of the committee for framing the constitution of the 10th of August, 1793, in making his solemn abjuration of religion, explains to the convention the cause and the progress of his conversion; he says, "my wishes have long desired this triumph of reason over superstition. I repeat now what I have always felt, and often declared, that I know no other worship than that of liberty and equality, no other religion than the love of humanity, and of my country. When the vigour of my understanding first cast off the melancholy prejudices by which my youth had been afflicted, at that moment the energy of insurrection entered into my heart. If since that time I have submitted to bear the chains of the church, it has been

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under the pressure of the same force which equally subjected all free spirits to the chains of the monarchy. The day of the Revolution necessarily dissolved all those odious bonds." In one and the same moment, the mind of this great man was touched by the benignant influence of atheism, and by the sacred spirit of insurrection, and was at once miraculously relieved from all sense of civil obedience to his king, and of religious duty to his God. Never was so comprehensive a system unfolded to the world by an exposition so clear, so unequivocal, and so compendious. The noble earl and the House may learn from these few words, whether it was superstition or religion, despotism or monarchy, against which the violence of the Jacobin faction was levelled, and why they thought atheism the most secure foundation on which a revolutionary government could be established; such were the proceedings by which the abolition of religion was attempted in France. But for the honour of human nature they did not answer the expectations of those who had digested the plan, and had been most active in providing the means for its execution. Disciplined in crimes, and accustomed to every scene of rapine, injustice, and cruelty, the people of France could not yet be induced to renounce for ever the consolations of religion. The provinces, almost without exception, were scandalized at the audacious profligacy of the government; and even at Paris the strongest symptoms of the same sentiments appeared. Robespierre himself was alarmed; and the Jacobin club thought it prudent to declare, that under all the existing circumstances, they admitted the idea of a God. Apprehensions were entertained that the salutary movement of terror might take a new direction, and that the order of the day might be enforced against the government itself. At length amidst the discontents of the people, who claimed aloud the free exercise of religious worship guaranteed to them by the constitution, under the immediate dread of an approaching convulsion, after many struggles and many unsuccessful evasions, slow, reluctant, and ambiguous, forth comes the repentance of the Convention! Even in their repentance they still betray their affection for their crime, and their eager hope of renewing it under more propitious circumstances. They are compelled to tolerate religious worship, and to forbid the repetition of those violences which had been exercised to crush it in every part of the country; but in the same decree they declare, that they do not mean to furnish a pretext for the "disturbance of patriots, or to check the aspiring flight of the public mind;" they invite citizens to abstain from all religious discussions, and to employ themselves wholly in the contemplation of the good of their country. Upon farther reflection they add, that they do not mean to disapprove of the measures taken by their commissioners in the several departments, "to aid the people in the destruction of fanaticism." This last resolution sanctions the imprisonment and proscription of the clergy; the shutting up and profanation of churches of all religions; the arts and menaces employed to induce Catholics and Protestants to abjure Christianity, the establishment of new forms of burial, in which the existence of a future state is solemnly denied; and all the acts of oppression and impiety which I have detailed to the House; thus their very repentance furnishes the most incontestible proof of the real scope of their original design, of the extent to which it had been carried in practice, and of their future intentions, if by time and assiduity they shall be able to eradicate from the public mind that natural instinct, which proved an insuperable obstacle to the success of their first attempt. Having thus endeavoured to justify themselves in the eyes of France, they felt that a government which openly overturned the fundamental principles of all religion, must become an object of alarm and abhorrence to every foreign nation; their next step therefore was to endeavour to vindicate their conduct to all Europe; and with that view Robespierre drew up an answer, as he styles it, to the manifestoes of all kings, in which he refutes, in the most triumphant manner, the charge of irreligion, which had been alleged against the revolutionary government. He says, "We are accused of having declared war against Heaven itself: But what people ever offered a more pure worship to the Supreme Being? The death-warrant of tyrants lay dormant and forgotten in the timid breasts of men: we called it forth; we executed it: to punish kings is to honour God." Here, then, is their creed, publicly proclaimed in the face of all Europe: in the murder of their innocent king is contained the whole prin-

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ciple and practice of their religion, their sole profession of faith, and their established mode of worship: a profession of faith, and a mode of worship, worthy only of those who have placed the bust of Marat on the altar of God!

To return to the observations which have led me to this digression, I must remark, that while the detestable project of abolishing religion has, in a great measure, failed of its proposed effect upon the minds of the people, it does not appear to have been much more successful as a measure of revenue; there is every reason to believe that it has not been productive of any considerable resource. Although the churches were plundered of all the articles of value which could be found in them, yet, when it is recollected that many of the richest ornaments of the churches had been sent into the public treasury previous to the 10th of August, 1792, under the name of patriotic gifts, a large deduction must be made from what might have been supposed to be the amount of this resource. In addition to this circumstance, Cambon states, that little or none of the church plate had reached the public treasury, having been pillaged by those whose zeal had been the most forward in promoting the worship of reason, truth, probity, and the nation. In all probability the principal financial advantage of this measure is to be found in the reduction of the salaries of the clergy.

I will now recapitulate the leading branches of the revenue of the revolutionary government for the present year. The tax upon all yearly income below the value of four hundred pounds, and the seizure of all yearly income above that sum, including a tax upon the funds, upon commercial capital of every description, upon private debts, and upon all money not laid out at interest; arbitrary local loans, levied upon the egotism of property, and the malevolence of wealth; taxes raised by incompetent authority; the confiscation of all concealed property; and the abolition of religion; to this list might be added the revenue arising from their system of criminal justice, from their violations of personal freedom; and collaterally, from their regulations for the destruction of agriculture and commerce, and for the maintenance of their army; these will be more properly considered under their distinct heads. Various accounts have been given of the sum of money brought into the treasury by these exactions; It has been asserted to be fifteen millions sterling. Even admitting the truth of such a rumour, when we compare this sum with a monthly expenditure of eighteen millions sterling, it will appear inconsiderable: and it must not be forgotten, that the means which have been employed to procure it are, by the Convention itself, admitted to be of a nature not to be renewed.

I now come to mention the regulations of this government respecting agriculture, commerce, and internal trade, which are nearly connected, both in principle and effect, with their system of revenue; a few examples will be sufficient to give you an idea of the spirit of the whole. The depreciation of assignats, and the general distress of the country, having greatly raised the price of all the necessaries of life, the expense of maintaining the military force became so heavy, that the government was compelled to resort to something beyond those extraordinary projects of revenue, which I have enumerated. The price of the articles which may be classed under the head of necessaries of life in France, was, upon an average, about two-thirds higher in the year 1793 than it had been in the year 1790; in many cases the increase was infinitely greater; the price of labour of every kind had risen in the same proportion. On the 29th of September the Convention passed a decree to the following effect: "all articles enumerated are to be sold at fixed prices, one-third above the current price in 1790. All persons who shall buy or sell any of the articles enumerated at a price above the fixed price, shall pay double the value of the articles so bought or sold; their names shall be inserted in the list of suspected persons, and they shall be treated accordingly. All wages, salaries, and daily hire to labourers or mechanics, shall be fixed at the same rate as in the year 1790, with the addition of one half of the current price at that time. The Municipalities may put into a state of requisition, and punish according to the case, with three days imprisonment, any workman, mechanic, or labourer, who shall refuse to work at the reduced prices. All existing contracts for the public service are subjected to this law, and the contractors compelled to supply government at the reduced prices, notwithstanding the stipulations in their contracts, ar-

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ticles actually delivered or dispatched to the place of their destination, at the time of the decree, alone excepted." It is not difficult to conceive the effect of this law, which compelled every merchant, tradesman, and shop-keeper, who must have purchased the enumerated articles at the high price of 1793, to sell them at the low price fixed by the Convention. The necessary and immediate consequence was the ruin of every person on whom the law was executed; none could escape but those who, having goods on hand not of a perishable nature, shut up their shops and warehouses in expectation of better times. In this state of things, a supplementary law was proposed, with two professed views, which are singularly combined, to relieve the sufferers under the former law, and to compel a more exact and rigorous execution of its principles. It was introduced by a report from Barrere, in the name of the committee of public welfare; which deserves particular notice, because it contains the general maxims of agriculture and commerce, from which are derived all the decrees of the national Convention on those important branches of political economy. The report opens with a severe complaint in the name of liberty against agriculture and commerce: —"Liberty in establishing herself upon the French territory reposed with pleasure in the arms of agriculture and of commerce. But what has agriculture done for liberty? Agriculture has only sought to increase her own profits, to calculate her own advantages, and to raise the price of all the necessaries of life. What has commerce done for liberty? Commerce has wasted the sources of internal circulation by clandestine exportations; commerce has neglected, with a sort of counter revolutionary peevishness, every species of manufacture and useful art. The avarice of commerce is become the accomplice of despotism. We might be inclined to think that commerce is a monarchical slave unworthy of liberty, if we did not know the cause of this misconduct; the mercantile government of England has raised against us the commercial interest of the whole world, and, among the rest, even the commercial interest of France." The report proceeds to state that the law for fixing the price of the necessaries of life, or as it is called, the law of the Maximum, had not been executed in many parts of the republic, and that the law itself was inadequate in its provisions. "The law of the Maximum ought to have embraced the whole system of commerce, from the grower, who furnishes the raw material, down to the retail merchant, who sells the manufactured article to each citizen for his daily wants. The law of the Maximum ought to extend over the whole of the useful chain of growers, labourers, manufacturers, mechanics, wholesale and retail merchants. The effect of this would have been, to envelope commerce on all sides, to invest it (if such an expression may be used) with the popular interests, by pursuing it from its very source to its last and most imperceptible ramification. This would have been the true way to force commerce to become useful and beneficial. Commerce, in other countries so useful, so beneficial, so necessary, is become, in this revolution of liberty, a sort of avaricious tyrant, whom, to render serviceable, we have been obliged to enslave." The report concludes with an argument to prove that the "Sans Culottes alone, who had suffered under the operation of the law of the Maximum, were deserving of any relief, because the wholesale merchants had sufficient means of indemnifying themselves by stock-jobbing, and other similar practices." These opinions of the committee of public welfare have no doubt astonished the House, accustomed to cherish the interests of agriculture and of commerce, as being essential to the happiness of the people, and to the opulence and strength of the empire. But let us examine the decree which followed this report, and see how far the practice of this government surpasses its theory: The decree allows 5 per cent. profit to the wholesale dealer, and ten per cent. profit to the retailer of the articles enumerated in the former law, over and above the price fixed by that law. It then proceeds to enact the two following regulations: 1. "The Convention, wishing to administer relief to the poorer class of the people, decrees that an indemnity shall be granted to those merchants, or manufacturers, who can give satisfactory proof of their entire ruin under the operation of the law of the Maximum, or who shall be reduced to a fortune of less than 400*l.* capital. 2. "The manufacturers and wholesale dealers who, since the law of the Maximum, have quitted, or shall quit their manufactories or trade, shall be treated as suspected persons." Thus, then, it is directly admitted, that the former law had already occasioned

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the ruin of many persons affected by it, although the interval between the passing of the two laws was little more than a month. But the persons to whom relief is to be given by the second law, are those only who can give "satisfactory proof of their entire ruin;" or whose fortunes have been reduced to a republican level. Whatever may have been the property of any merchant or manufacturer injured by the law of the Maximum, no indemnity is to be granted to any sufferer whose capital has not been reduced below the sum of 400*l.* By what scale the revolutionary government has measured the ruin of its subjects, it is not very easy to understand. An opulent merchant or manufacturer in any other country, who, by the sudden effect of a single law should find his commercial capital reduced to a sum of 400*l.* would be thought in a situation to "give satisfactory proof of his entire ruin." But, as in the law of the forced loan, the fundamental principle of the calculation was, that the income of every man in France should be reduced to one hundred and eighty pounds, so the law of the Maximum seems to have carried the doctrine of equality still farther, and to have decided, that no individual should possess a commercial capital of more than four hundred pounds. The second regulation is, perhaps, the most grievous act of injustice and oppression that ever was enforced against the interests of commerce. To compel subjects, by an act of power, to exercise any particular branch of trade, is always both unjust and impolitic: but it was reserved for the revolutionary government first to render particular branches of trade ruinous to those who were actually engaged in them, and then to compel the same persons to pursue those ruinous branches of trade, and to imprison every man who should endeavour to save his property from that destruction, of which he already felt the approaches. The first effect of such violence would undoubtedly be, to transfer all the articles affected by the law into the hands of the government, and to facilitate for a time the supply of Paris, and of the armies: but it is evident that the re-production of the same articles within the country, would immediately receive a severe check, and that no man would purchase them from foreigners in order to sell them again at a considerable loss. The certain consequence of this measure must therefore be, to annihilate the stock of all the necessaries of life in France, and to hasten the moment when it will become impossible for the government either to subsist the people at home, or even to maintain an army upon the frontier.

Previous to the passing of this law, the price of corn, grain, and flour, had been fixed by a special decree; and I have already observed, that the whole crop of every farmer under a fundamental article of the constitution of the revolutionary government, was to be at the discretion of the committee of public welfare, and of their agents in the several departments. This leads me to observe upon certain general rights with respect to the produce of the soil, and to articles of ordinary consumption, claimed by the government as arising out of the revolutionary state of the Republic. The first is the right of preemption. In the report upon the law of the Maximum, Barrere says, "the law of preemption renders the government proprietor, for the time, of every thing which commerce, industry, or agriculture have produced from the soil, or imported into the territory of France." It is impossible to hear this doctrine without remarking the intimate connexion between the principles of anarchy on which the revolutionary government was founded, and the principles of despotism by which it is maintained. From the sovereignty of the people, and the natural equality of mankind, the government deduces its absolute right to the produce of the whole soil of France, and to the whole property of every individual in the Republic: a right, which is the very essence of despotism, and which has hitherto been considered as the characteristic mark by which arbitrary government was to be distinguished from limited power; under this right, so broadly laid down, the committee of public welfare affects to claim nothing more than a preference in the purchase of whatever articles may be required by their agents for public use; but I have shown already, that by the law of the Maximum they have exercised the power of fixing an arbitrary price upon all such articles. The right of requisition is derived from that which I have last described; under this, the officers of government are empowered to require from every man in the country, not only whatever part of his property, of any description, they may choose to declare necessary for the public use, but also his manual labour, and his personal service; and while this arbitrary

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requisition remains in force, no man can dispose either of his goods or of his labour, to any other purchaser, or employer, than the officers employed by the ruling faction. You have seen that by the law of the Maximum, there is a power of imprisoning every workman or day labourer, who shall attempt to evade this requisition. If any person shall make an incorrect declaration of property which has been put into a state of requisition, the government derives from that circumstance a farther right, which is called the right of prehension;* under this they immediately seize his goods, and sell them by auction to the profit of the public treasury. The vexations practised against farmers, who have not given in satisfactory accounts of their crop, or who have ventured to sell any part of it in compliance with the urgent demands of their neighbours, are innumerable; and the same violence has been used against every person engaged in trade of any kind. Out of these extraordinary rights arises as extraordinary a crime, which is called the "crime of monopoly," and which is usually imputed to the class of merchants and wealthy farmers, or in general to those who are termed Egotists, according to the definition which I have already given of that word. A monopolist is the possessor of any quantity of the necessaries of life, beyond the exigency of his daily subsistence. Every man therefore, whose circumstances are at all above indigence, is liable to the charge of monopoly. Whoever happens to have laid up any quantity of the articles which the government think fit to require for their service, is also deemed a monopolist; thus every farmer whose barns and granaries are not empty; every merchant and tradesman, whose warehouse or shop is not entirely unprovided with goods, must be subject to the charge of monopoly.* This crime is punished differently according to the enormity of the case; in some instances the punishment is imprisonment, attended with forfeiture of property, but it is much more frequently death. With such theoretical maxims, and with such a practical system, the Convention might reasonably have expected to find both agriculture and commerce in that state of counter-revolutionary peevishness which should suspend every manufacture, every useful art of industry, and every honest pursuit of skill or labour. They need not have sought in the influence of the mercantile government of England (as they term it) an effect which is the natural and inevitable result of their own violence and oppression. But conclusions of more importance to our present deliberation may be drawn from this detail. I have shown already, that by the forced loan, they have effectually checked the progressive increase of commercial capital; by the law of the Maximum, with its supplement, they have gone a step farther, and have directly seized the whole commercial stock of the country, for the service of the current year. I have shown already, that according to their own statements, and to the very nature of things, their extraordinary expedients of finance cannot be renewed with any prospect of success. It is equally evident, that their regulations respecting agriculture and internal commerce, cannot be continued without exhausting the country of the necessaries of life. The rapid operation of every part of this system, may be seen in the effect of the law of the Maximum, which had not passed more than a month when as Barrere states, it had entirely ruined all those upon whom it had been effectually executed, and had increased the difficulty of procuring the very articles, the price of which it was intended to reduce. With respect to foreign commerce, it may be considered

* The right of prehension is explained by the following articles in a decree of the Convention:—"Ordered, 1st. That the committee of subsistence and supply shall exercise the right of prehension in the course of the present day, and accordingly shall collect together all the shoes now being in any magazine, warehouse, manufacture, or shop whatsoever. 2d. All such shoes shall be sent within twenty four hours to the armies of the Republic. 3d. The popular societies, and the different sections are invited to direct the generosity of the citizens towards civic gifts of shoes."

* An idea of the nature of the crime of monopoly may be formed from a few particular instances: a wine merchant is denounced for having 2,000 bottles of wine in his cellars; he is imprisoned, and they are put into a state of prehension for the public use. A female citizen is denounced for having a large stock of sugar and coffee in her possession; the agents of government order it to be put into circulation, and accordingly it is sold by auction for the profit of the treasury, and she is sent to the prison of St. Pelagie.

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as nearly annihilated. The exportation of all the articles enumerated in the law of the Maximum (in which are included all the principal articles of the French export trade) is absolutely prohibited. Whatever foreign commerce now exists, is carried on exclusively by the government, for the purpose of supplying the armies, and of postponing that distress for the means of subsistence, which now threatens every part of France. When we recollect, that one-third of the total collective income of the individuals of France is stated to arise from commerce, we may judge what a blow has been given to the resources of the government, by the entire destruction of the interests of commerce, both internal and foreign. Such is the system established upon the ruins of every right of property, and of every foundation of general opulence, by which the Revolutionary government have hitherto procured their revenue, and maintained and supplied their numerous armies. It remains to be considered by what applications of terror this system has been enforced. Among the most sacred rights of a free people, and the most essential maxims of justice, are, the right of personal freedom, and the maxim that no person should be punished without being heard. These rights were guaranteed to the people in France by the constitution of the 10th of August, 1793. In defiance, however, of that constitution, arbitrary imprisonment, and punishment upon mere suspicion, the most vexatious and odious instruments of despotic power, have been employed by the Revolutionary government, with a violence surpassing all that is recorded of the most rigorous tyrannies that have ever afflicted mankind. They have formally and openly abolished every trace of personal liberty in France by a single law, which requires no other comment than the proceedings of the convention itself. Barrere, in a report from the committee of public welfare, explains the principle and object of this law, he says, "The quality of mercy is the first sacrifice which a good republican owes to his country. In order to preserve the revolutionary vigour of the government, an institution, terrible indeed, but, necessary, an institution, which has been the salvation of France, has been disseminated throughout all the sections and all the municipalities, I mean the law for the arrest of suspected persons. The keen and piercing eye of jealous liberty has been fixed upon every citizen, has penetrated into every family, and pervaded every habitation. Public opinion, which is formed upon the review of innumerable transactions of various kinds, which have passed at all the periods of the Revolution, from its commencement down to the present time — Public opinion has marked out the persons who ought to be suspected, and they have accordingly fallen under the severity of the law: Birth, prejudices of pride, and habits of aristocracy have marked out every remnant of the gentry of France as a just object of suspicion. The useless, if not dangerous nature of their occupation, their illicit gains, their confidential concern in the pecuniary affairs of foreigners, are sufficient grounds for the arrest of the whole class of bankers. Their cruel speculations, their contempt for assignats, their sordid attachment to their own interest, have estranged all merchants from their fellow citizens; they, therefore, form another class of suspected persons: The relations of emigrants, those who have aided them in their escape, those whom nature and the ties of blood have made the necessary accomplices of all their sentiments of hatred or affection, all these are equally obnoxious to suspicion. All the clergy who have refused the constitutional oath, and who think that all is lost because their trade is become useless: all the ancient magistrates; all those who have been bred to the profession of the law, are destined, by their habits and interests, to people the public prisons. These are the classes of society which are sentenced at once without being heard; these are the professions which carry their condemnation with them; these are the natural connexions of parentage and affection which it is the duty of the law to strike without trial and without mercy. Let us banish all compassion from our bosoms! Oh what innumerable mischiefs may be produced by a false sentiment of pity! Shall not a few slaves of monarchy sacrifice some moments of their useless and inactive liberty for the salvation of the republic? they shall be taught to love liberty by suffering a long confinement; this is true humanity; for this is the only speedy and effectual method of finishing all our calamities, of completing the revolution, and of establishing the Republic on an immovable foundation. Thus this great and free Republic shall draw new strength and vigour, not only from the

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number of her defenders on the frontier, but from the number of her enemies imprisoned within her bosom; and the liberty of the people shall grow and flourish amidst crowded camps and overflowing gaols."

I have quoted this passionate invective against mercy and justice for the purpose of apprizing you of the general ideas of the legislators of France upon the subject of personal liberty; I will now read to you the law itself which passed on the 17th of September. "1. Immediately after the publication of the present decree, all suspected persons who shall be found within the territory of the republic and who are yet at large, shall be put into a state of arrest. Those shall be deemed suspected persons—2. Who by their connexions or relationship, by their discourses or writings, have shown themselves to be partizans of tyranny and federalism, and enemies of liberty. 3. Who have no visible means of subsistence, or who cannot prove the discharge of their civic duties. 4. Those to whom certificates of civism have been refused. 5. Public officers dismissed or suspended by the Convention. 6. Such of the nobility, husbands, wives, fathers, mothers, sons and daughters, brothers or sisters, or agents of the emigrants, as have not constantly manifested their attachment to the Revolution. 7. Those who have emigrated between July 1st, 1789, and the publication of the law of the 8th of April, 1792, although they may have returned into France within or before, the period prescribed by that law. 8. The Committees of Superintendance, or the Revolutionary Committees appointed in their stead by the Convention, or by its commissioners, in the several departments, are to make lists of all the suspected persons within the limits of their respective jurisdictions, to issue warrants of arrest, and to seal up their papers. 9. Arrested persons are to be permitted to take such part of their furniture into prison with them as may be of absolute necessity. 10. They are to defray the expense of their guard. 11. Civil and criminal tribunals may detain, as suspected persons, those whose indictments have been thrown out by the juries of accusation previous to trial, and those who shall have stood their trial and have been acquitted."

In addition to these precise definitions of suspected persons by the fourth article of the law, all those to whom certificates of civism shall have been refused, are included within that description. The certificates of civism are granted or refused at Paris at the discretion of the municipality; and on the 10th of October 1793, "The procureur of the Commons of Paris reports to the council general the characterestic marks and signs by which the council may recognize suspected persons, and those to whom certificates of civism ought to be refused." These characteristic marks and signs include so large a description of persons, that if a similar regulation were to be enforced in any country, or in any assembly, it is difficult to imagine any possible case which might not be brought under some one of the articles of this exposition of the law; for, Sir, you will observe, that 1. "All those who check the energy of the people, and embarrass the proceedings of popular assemblies, by artful speeches, turbulent cries, and menaces are suspected, and to be arrested. 2. Those who, with more prudence, talk mysteriously of the calamities of the country, lament the condition of the people, and are always ready to spread bad news with an affectation of regret. 3. Those who change their language and conduct according to events. 4. Those who pity the greedy farmers and merchants against whom the law is compelled to take effectual measures. 5. Those who talk of liberty, but visit the late nobility, the counter Revolutionary clergy, the aristocracy, the feuillants, and the moderates, and appear to take an interest in their fate. 6. Those who have taken no active part in the revolution, and who plead, in their exculpation, the payment of taxes, or of patriotic gifts, or their services, either in person or by substitute, in the national guard. 7. Those who have received the Republican constitution* with indifference and have declared false apprehensions respecting its duration and establishment. 8. Those who have done nothing for or against liberty. 9. Those who neglect their attendance in the popular assemblies, under pretence of being unable to speak in public, or of being engaged in the care of their own affairs. 10. Those who speak with contempt of the established authorities, of the emblems of the law of the popular assemblies, or of the defenders of liberty."†

* The Constitution had actually been suspended when these resolutions passed.

† It appears that the virtue of civism has

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All these, Sir, are to be committed to safe custody, and detained in prison until the peace. By the last article of the law, a class of persons is included, very inconsiderable indeed in number, but which one might suppose to be exempt from suspicion even under all the vigilance and jealousy of a revolutionary government; I mean those that have been acquitted by the previous jury of accusation, or who have been declared innocent after a regular and solemn trial. By reference to the daily lists which are published of criminals condemned or acquitted by the revolutionary tribunals, I find, that far the greater proportion of the very few who have the fortune to escape death, are detained in prison as suspected persons, upon the mere requisition of the public accuser. This is the perfection of tyranny. It is not enough to d prive men of their liberty without alleging any specific crime against them, and without admitting them to a hearing; but even after they have been heard and declared innocent, they are still subjected to penalties which belong only to convicted guilt. By different laws and regulations several other classes have been added to the list of suspected persons; such as those, who disobey the requisitions laid on their property, those labourers or workmen who disobey the requisitions laid on their manual labour, those who have shut up their shops or warehouses on account of the reduced price of goods under the law of the Maximum; and lastly, "those who keep the day heretofore called Sunday." These laws were executed with such activity, that not only all the prisons were soon crowded with suspected persons but the churches and deserted places of the nobility and of the princes of the blood were converted to the same useful purpose. On the 15th of September, previous to the passing of the law, the total number of prisoners confined at Paris was 2,020; at the latter end of December it was 5,000; and notwithstanding the number of executions, it is still rapidly increasing. This unparalleled oppression has been extended with equal severity over all the provinces; the letters from the commissioners of the Convention are filled with expressions of self applause, and of congratulation to the Convention, upon the increasing number of state prisoners in the several departments. One of the commissioners writes, in the most triumphant tone from Rochefort: "The empire of liberty is established; the prisons begin to fill in every part of this neighbourhood." Dumont, commissioner from the Convention in the departments of La Somme and Pas-de-Calais, informs that assembly, "that he had harangued the people at Peronne with a dagger in one hand and a torch in the other, and had threatened to declare the whole town in a state of rebellion, if all the people did not aid him in the arrest of suspected persons; and thus he had caused the suspected persons arrested in that town to be brought before him in forty-four carts on their way to their respective prisons." This letter furnishes us with some idea of the numbers who have been deprived of their liberty in the provinces. Camille Desmoulins, a person well acquainted with all the secrets of the revolutionary government, calculates that the total number of suspected persons arrested all over France between the 17th of September, 1793, and the beginning of January 1794, was not less than two hundred thousand, and his statement, which appears consistent with the general circumstances of the case, has never been contradicted, although he has since fallen into disgrace with his party on account of the freedom of his animadversions upon their conduct. The unfortunate persons thus confined receive such a treatment as might be expected from the despicable character of the Jacobin faction. The tyranny exercised under the orders of Robespierre and his associates has uniformly been as minute and unmanly in every studious refinement of cruelty and vexation by which the sufferings of helpless individuals could be aggravated, as it has been audacious and violent in the subversion of all the most important rights, and in the destruction of all the most valuable interests, of the collective body of the people. A single circumstance will illustrate this observation. On the 16th of November, Levasseur, a member of the Convention, enters that assembly in great heat: he says, "I am just returned from Chantilly, heretofore in times of slavery the palace of the family of Conde, but now under the reign

never been very accurately defined, although the want of it subjects men to the loss of their liberty. One instance will serve to shew the manner in which certificates of civism are granted and refused at Paris. A certificate of civism was refused to Palissot, a dramatic author, for having ridiculed J. J. Rousseau in a comedy; it was granted to him some time after, on his proving that he had praised Rousseau in other works.

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of liberty converted into a prison-house for the detention of suspected persons: I saw the kitchen of those arrested gentlemen, and I was scandalized at the preparations making for their entertainment. It would seem that those gentlemen, not expecting to live long, were determined to make the most of their time; all the eggs, butter, sugar, and coffee, in the neighbourhood had been forestalled and monopolized for the use of those gentlemen, I immediately represented this enormous abuse to the revolutionary committee of the village; the whole committee shared my just indignation, and we concerted measures together for an effectual reform of this abominable luxury. We ordered that for the future the food of those gentlemen thould be of the most ordinary kind; that no distinction of persons should be observed; and that all the prisoners of whatever quality or description, should be put upon the same common and fraternal regimen" The Convention approves this Republican order, and decrees, "that the food of the persons detained in the different prison-houses shall be frugal, and the same for all, the rich paying for the poor." In consequence of this decree, suspected persons are compelled to eat with their servants, and their property is indiscriminately applied to defray the common expenses of the whole prison. On the 20th of December, when (to use the words of Barrere) the jealous eye of liberty had penetrated into every family, and pervaded every habitation; when the inflexible severity, and the indefatigable activity of the delegates of freedom had peopled the dungeons of every prison; an humble petition was presented at the bar of the Convention by several women, the relations, the wives, the children, and the parents of persons confined upon suspicion, imploring that they might be brought to trial, if any crime could be imputed to their charge; or, if not, that they might be restored to the enjoyment of liberty, the common right of all who have not transgressed the laws. The petitioners were sharply reprimanded by the president, who told them, "that the Convention had been already too merciful, that it had departed from the ancient models of republican severity, for that in all the republics of antiquity suspected persons were not merely imprisoned, but put to death." However, a new decree is proposed by Robespierre, in a speech, in which he also animadverts upon the misconduct of these incivic women, who could listen to the voice of nature, and to the cry of blood when the liberty of their country was at stake. The decree enacts, "that a secret commission consisting of two members of the committees of public welfare and of general safety, shall be appointed to consider of the means of restoring to liberty any patriots who, by accident, may have been imprisoned with the aristocrats. The commissioners are to exercise their functions with all necessary severity, and are to be peculiarly cautious not to enervate the energy of the revolutionary measures. The names of these commissioners are to be kept secret from the public, in order to avoid the danger of solicitations: and they are to discharge no person from prison without the authority of the two committees of public welfare and general safety." — On the 26th of December, Barrere makes the report which I have already quoted to the House: and he moves in the name of the committee of public welfare, that five members in place of two should be appointed for the same purpose, should assemble twice every day, and should decide summarily on all cases of arrest, without reference to the committees. In other respects Barrere's decree is perfectly conformable to the spirit of Robespierre's; neither the secrecy of the commission nor the recommendation of severity being in any degree altered. But even this decree appears too mild not only to Robespierre but to the majority of the Convention. Robespierre objects to it, as being of the most dangerous tendency, and quite contrary to the spirit of that which had already passed in consequence of his own motion. He says "It would be a great prejudice to the state to absorb the energy of five members of the Convention, by employing them in deciding upon the innumerable complaints which they would receive from all parts of the Republic, where all the prisons were filled with persons arrested on grounds of suspicion. His own plan was more simple, and without any inconvenience; it did not require that so large a portion of the Convention should be exclusively occupied by the complaints of prisoners; two members, in their leisure moments, whenever circumstances might happen to permit, without exposing themselves to importunity, might have discovered the small number of patriots who perhaps might be found in confinement with the aristocrats. By these

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means the committee of general safety would not have wasted, in listening to the solicitations of bad citizens, that time so precious to the cause of liberty." He adds, "that the new decree is dangerous, because under favour of it, liberty might possibly be granted to some aristocrats." What then was to be done between these contending motions? The Convention is embarrassed; they perceive at last that their embarrassment arises from an excess of mistaken clemency in their first proceeding. They immediately resume the severity of free republicans. They repeal the decree of Robespierre, reject the motion of Barrere, and refer the unfortunate petitioners to those very committees of whose tyranny they complained.

Since this proceeding, it appears that the Convention has endeavoured to draw a revenue from the victims of its tyranny, who are called suspected persons. A proposition has been referred to the committee of public safety, on the motion of Danton, for the confiscation of the property of all suspected persons; and the property of all the parents of emigrants under detention has been confiscated provisionally, until they can give proof that they have done their utmost to prevent the emigration of their children. If the people of France are animated with an enthusiastic zeal for liberty, what must be their temper of mind, when they constantly behold the miserable spectacle of 200,000 persons arrested upon no specific charge, condemned without trial, and deprived of the inestimable blessings of personal freedom upon the vague and equivocal suggestions of indefinite suspicion? The specious title of a free, united, and indivisible republic, cannot deceive a great nation suffering under the weight of practical oppression, and distracted by the jealous policy of a desperate faction. Unless we can agree with Barrere, that justice executed in mercy is incompatible with the vigour of a well-ordered state; that the strength of a free government is in proportion to the number of state prisoners; and that to people the prisons, is to give the best pledge of popular liberty, we must conclude that a large proportion of the people of France at this moment anxiously desires the destruction of the present system of government, as the only means of rescuing their relations and friends from the miseries of imprisonment, as well as of securing themselves against similar oppression.

But these violations of the liberty of the subject will appear as acts of clemency, when compared with the daily murders and massacres which compose that sanguinary and merciless system entitled by the revolutionary government the administration of criminal justice. When Robespierre and his faction began to gain an ascendancy in the Convention, one of their first measures was, to erect an extraordinary tribunal for the trial of state crimes: a tribunal which might serve them in the first instance to acquire power by the murder of their adversaries, and eventually might enable them to maintain it by similar outrages. The first mention of this dreadful institution struck the Convention itself with consternation and horror. Prophecies were uttered, which have since been fulfilled, that this instrument of destruction would soon be turned against the representatives of the people; and Vergniaux, who has since fallen a victim to that relentless tribunal, declared that he and his whole party would prefer death upon the spot, to any share in the formation of so formidable an engine of tyranny; but Danton decided the Convention; he contended, "that a revolutionary government could not subsist without some representative of the Supreme Tribunal of the vengeance of the people; that the institution proposed would be a proper substitute for those tribunals which the people had formed in the moment of their ungovernable fury; that the people would not have committed the massacre of the 2nd of September, if an extraordinary tribunal had then existed." He concluded with these remarkable words: "We must employ great means to accomplish dreadful ends; we must establish an extraordinary criminal code, and we must seek for its principles beyond the pale of civil society. Let us be terrible ourselves, in order to save the people the necessity of being so." Thus was the extraordinary tribunal created expressly to save the people the labour of massacre, and to perpetuate, by a legal institution and with the authority of the state, those scenes of blood, of which, even the principal actors in them have never yet ventured to speak openly without the affectation of regret. The favourite principle of the sovereignty of the people (the source of every calamity which they are doomed to suffer), affords an equal facility for the violation of liberty, and for the destruction of life.

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In conformity to that pernicious doctrine, criminal justice in France now presents the image of the sovereign people employed in the exercise of the combined prerogatives of insurrection and massacre, and is assimilated both in form and spirit to those tribunals of murder, which held their session in the prison of the abbey on the memorable night of the 2nd of September. Under the decree constituting the extraordinary tribunal, the judges are named by the authority of the Convention, and are removable at pleasure. A permanent jury is named by the Convention for each division of the tribunal, and the commission of the jury is nearly of the same nature with that of the judge. The crimes of which this court is to take cognizance, are described by the original decree in these general terms: "Every counter-revolutionary enterprise, every attempt against liberty, equality, the unity and indivisibility of the republic, and the internal or external safety of the state; every conspiracy tending to restore monarchy, or to establish any other authority dangerous to liberty, equality, and the sovereignty of the people." All these indefinite crimes are punishable with death, and forfeiture of property. The forms of proceeding are subjected to no restraint or rule. The court is empowered to found its judgments upon any evidence, however vague, suspicious, or even from its nature incompetent; or, to use the words of Lindet (the person who proposed the original motion), "The judges may satisfy themselves of the guilt of the criminal by every possible means." The established practice is, to interrogate the prisoner both secretly and publicly, and to make use of his own testimony against himself. From this court there is no appeal, excepting the Convention should think fit by an arbitrary interference to over-rule its proceedings. The founders of this tribunal have employed it for the accomplishment of two objects; first, as a party engine, to extinguish, by violence, the spirit of indignation and abhorrence rising in every part of the republic against their crimes: and secondly, as a source of revenue to procure money and goods by the murder of opulent bankers and merchants, and by the confiscation of their property.

With the first view, numberless persons have been executed for incivic or counter-revolutionary words, and for discourses, or writings tending to provoke the restoration either of monarchy, or of any other authority in any degree dangerous to the sovereignty of the people, or in other words, to the sovereignty of the Jacobin faction: these executions have not been confined to the gentlemen, clergy, or persons of property; numbers in the inferior classes of the people have suffered death for mere loose conversation: not only emigrants, but even the family or friends of an emigrant who may have aided and assisted him in escaping from a country, in which he could no longer remain with safety, are punished with death. Many parents, wives, and children of emigrants have been executed, for having obeyed the common dictates of nature by relieving the urgent distresses of their banished relations: and bankers have suffered the same punishment for having in the ordinary course of their business permitted the money of emigrants to pass through their hands. To circulate false news, or to give any impediment by words, or otherwise to the recruiting of the army have been made capital crimes. Under various pretences of plots against the unity and indivisibility of the republic, or of conspiracies for the establishment of some counter-revolutionary authority, all those who had borne any distinguished part in the earlier periods of the revolution together with the whole party of Brissot, and most of the Executive Council appointed on the 10th of August 1793, have been publicly executed. In many cases the Convention has passed against persons of this description acts of outlawry, under which, whenever they fall into the hands of any criminal tribunal, they are executed without even the form of a trial. Within the course of six or seven months, from fifty to sixty general officers have been executed upon various loose and indefinite charges. Brissot says, that if Turenne had commanded the armies of the Republic, he would certainly have been condemned by the extraordinary tribunal, for he was not always successful; every defeat would have exposed him to the suspicion of treachery, and every victory to the imputation of dangerous ambition.

The purpose of obtaining revenue is scarcely attempted to be disguised in many of the sentences passed by these tribunals. By the original decree a power was given of condemning to the punishment of transportation any persons who should be convicted of crimes not previ-

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ously defined by law, or to which no specific punishment had already been annexed; and since that time a law has passed for the confiscation of the property of all persons under sentence of transportation. The tribunals also exercise a power of arbitrary fine and imprisonment. In a letter from the commissioners of the Convention at Strasbourg are these words: "The revolutionary tribunal which we have established for the judgment of monopolists, stock-jobbers, and merchants, who will not submit themselves to the price fixed on the necessaries of life, has already made several useful examples: many persons have been condemned to pay fines of fifty and a hundred thousand livres (of two or four thousand pounds), and to suffer some years of imprisonment. A few more sentences of this kind are wanting to destroy the desire of gain, which is carried to a scandalous excess in this commercial town; but the tribunal spares nobody, and the cause of liberty will prosper." From Bordeaux a regular account was transmitted to the Jacobin club of the sums received for the state on account of persons executed, amounting to several millions of livres. The mayor of Bordeaux was beheaded because his brilliant fortune enabled him to hold an even hand between the two contending factions in that city, and because he had seconded some resolutions of the popular society established there: his brilliant fortune, which was the essence of his crime, was seized for the use of the government at Paris. An account was given to the Jacobins that the execution of two Jews of the name of Rabas at Libourne, had produced twenty-three millions of livres, (about a million sterling) to the Republic; the charge against them was, that they had lent money which was to be employed in raising a force in the departments at the time when the lives of the majority of the Convention were threatened at Paris by Marat, Robespierre, and the faction now exercising the powers of government. Innumerable instances of the same kind might be cited, in which persons have been condemned to death under various frivolous pretences, obviously for the purpose of seizing their property. The mere possession of a large property is considered as a crime, and is distinctly stated to be so by Robespierre himself on a remarkable occasion; I mean when he prefers an impeachment in the Jacobin club against Anacharsis Clootz, the orator of the human race. He charges Monsieur Clootz (as he styles him by way of disgrace on that occasion), with the atrocious crime of possessing 5,000*l.* a year. Upon this, Monsieur Clootz is expelled from the club, has since been expelled from the assembly, and will probably expiate the sin of being a man of property by the forfeiture both of his life and of his estate.

The stock in trade of merchants, as I have already observed in defining the crime of monopoly, is appropriated to the use of the committee of public welfare, or in their own phrase, put into circulation by the same summary process. With what severity this law is executed we may judge by a remarkable instance in which the Convention graciously extended its mercy to a criminal convicted of monopoly, and was so elated with this distinguished act of clemency, as to express a desire that it might be published throughout all Europe, in order to confound the enemies of France, and to refute the calumnious charges which had been circulated against the justice, humanity, and mildness of the criminal courts instituted by the revolutionary government. Gaudon, a wine merchant, was accused of not having written over his door, according to the directions of the law, the quantity and quality of the wines contained in his cellars; he was condemned to death; but it appeared afterwards, that during his absence from his house, his son had by mistake omitted to place over his father's door the regular declaration of his stock in trade; and upon this the Convention pardoned the convict. By the very terms of the pardon it is evident, that every man who wilfully omits to write over his door the exact amount of his stock in trade is by law to suffer death. I cannot attribute to the revolutionary government, the merit of invention in this particular branch of their system. The idea of drawing revenue from fictitious crimes is taken from governments which do not seem to furnish the best models of imitation for a Republic founded on the natural rights of man; I mean the barbarous tyrannies on the coast of Africa, whose revenue is chiefly drawn from the sacrifice of the liberties and lives of their subjects under the pretence of alleged crimes, imagined merely to serve the purpose of financial resources; here, again, we may trace the near connexion between despotism and the sovereignty of the people. The sovereign people of France, in their mad career of political li-

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berty, suffer their principles of revenue to be derived from the very spring and origin of the most odious civil slavery; and the national treasury, under a republican and revolutionary administration, exhibits a faithful copy of the slave markets of Dahomey and Whydah. By adverting more particularly to the conduct of some remarkable trials, and to other circumstances, I will endeavour to bring before you the true character of these tribunals, the sanguinary spirit of the judges, and their open violation of all the rules and principles of evidence which have been devised for the protection of innocence by the wisdom, justice, and humanity of free and civilized nations. Previous to the trial of Brissot and the impeached deputies of the Convention, Roussillon, one of the permanent jury of the revolutionary tribunal, goes to the Jacobin club, and having complained that he had not yet enjoyed the satisfaction of beholding those traitors at the feet of the tribunal, assures the club, that whenever they shall be brought to their trial, he will take care that they shall not escape; he is much applauded for the patriotic energy of this declaration. During the trial of the deputies a letter is received by the Convention from the judges of the extraordinary tribunal to the following effect; "the deputies whom you have accused have now been five days upon their trial; and only nine witnesses have been examined; every witness delivers a long and circumstantial evidence; the prisoners cross examine each witness, and afterwards make their observations upon the evidence; this produces a discussion which is much protracted by the loquacity of the prisoners; this trial will be endless; we have already given you sufficient proofs of our activity and zeal to exempt us from any suspicion of negligence or delay; but our progress is obstructed by certain formalities, which will at once vanish before the authority of the legislature; we all ask ourselves wherefore any witnesses? The Convention and the whole people of France accuse the prisoners. The proofs of their crimes are evident; every man has in his heart the conviction of their guilt." The embarrassment of the supreme and extraordinary criminal court will no doubt appear to a British House of Commons to be such as would require the immediate interference of the legislature. One and twenty men on trial for their lives, and not a man but desires to be heard! Justice delayed, and in danger of being disappointed by her own vain and idle forms! But the wisdom of the representatives of a free people came to the relief of these venerable judges; the Convention having consulted the Jacobin club, its approved counsellor in all difficulties and dangers decreed, that "whenever any trial should have lasted three days, the judges should call on the jury to declare whether their consciences were sufficiently enlightened to enable them to give a verdict; if the jury should answer in the affirmative, whatever might be the stage of the proceeding, no farther testimony or argument should be admitted, and the Court should immediately give judgment, as if the prisoner had regularly closed his case. To this decree was added another, declaring that the extraordinary criminal tribunal should from that moment change its name, and bear the honourable title of the Revolutionary Tribunal, and that in the conformity to its new title it should judge all crimes of state by a revolutionary process," or in other words, without [formality and without evidence]. These laws were immediately dispatched to the court when sitting in judgment on the deputies. The new regulations were instantly applied to the depending trial; the evidence was suddenly interrupted; the prisoners were silenced; sentence of death was passed upon them; and they were hurried, unheard and undefended to the public scaffold. The most just objects of the severity of the law, when denied the common privilege of a fair trial and of a free defence, will move the compassion of mankind, and will, even in some degree, excite the same sentiments which naturally attend oppressed innocence. Guilty as most of these men were of the murder of their sovereign, guilty as they all were of that wicked conspiracy which contrived the massacre of the 10th of August, and which produced the massacre of the 2nd of September, we yet forget the enormity of their crimes in the undisguised violence of their condemnation, and our indignation is, for a time at least, transferred from the suffering criminal, to the murderous judge. What then shall we say of the pretended trial of the queen, where our attention is withdrawn from all the affecting circumstances of her unexampled situation by the flagrant iniquity of that unmanly exercise of lawless power? Her sex, her exalted dignity, her protracted and unequalled misfortunes are all forgotten in the outra-

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geous perversion of the sacred forms and maxims of criminal jurisprudence. Throughout all that disgusting scene, from her first imprisonment, to the hour of her murder, while we trace her various sufferings, we feel for the cause of justice itself; a cause inseparably united with the security and happiness of the lowest as well as of the highest ranks of civil society.

The Convention, the Jacobin club, and all the agents of the government, employ every means both of encouragement and of terror to exasperate the ferocity of the judges and juries in the discharge of their dreadful functions. The least delay of judgment against a rich or unpopular criminal produces a ferment in the regenerated popular societies, and among all the instruments of the prevailing faction; while, on the other hand, every precipitate, corrupt, and sanguinary condemnation is extolled as the perfection of patriotic zeal, and the model of republican virtue. The desire of shedding human blood is carried to such a passionate excess, that in the letters of some of the commissioners of the Convention, the office of common executioner is represented as an eminent distinction, and a primary object of honourable ambition. From Rochefort, Lequinio and Laignelot write a letter to the Convention in these words: "Behold another triumph of morality; not over presbyterian mummery, for that exists no longer in this country, but over a prejudice as absurd and as deeply rooted in the minds of men! We have formed here a revolutionary tribunal upon the model of that at Paris; we named, of our own authority, all the members of the court, excepting that member whose duty it is to close the proceedings, we mean the executioner; we wished to leave to the patriots of Rochefort the glory of showing themselves the voluntary avengers of the Republic; we signified the vacancy in the tribunal at a full meeting of the popular society; the citizen Ance cried out with a noble enthusiasm, I am the man who aspires to the honour of beheading the assassins of the country. He had scarcely time to utter these words, when a crowd of other patriots pressed forward to offer themselves for the same office, and they all anxiously solicited to be at least indulged with the favour of being permitted to aid the fortunate candidate in the discharge of his duty. We made proclamation that the patriot Ance had been invested with the honourable office of common executioner, and we invited him to dinner, where we delivered into his hands his warrant of office, and poured a libation over it in honour of the Republic; we think that in a few days the judges will put him in the way of giving a practical proof of his patrotism. To this patriot, who has taken upon himself, with so much generosity, the trouble of executing the sentences of the revolutionary tribunal, we have given the title of Avenger of the people; and to the instrument which delivers us from traitors, that of the Justice of the people: this title is inscribed upon the guillotine in large characters."

The zeal of some of these commissioners has carried them even beyond the extravagance of this letter. With a strange mixture of ridiculous phrenzy, of wanton impiety, and of savage cruelty, after having profaned the established symbols of every religion, they have consecrated the instrument of ignominious death, and styling it in their public dispatches, "Our holy mother, the guillotine," have thus attributed to it the combined character of parent and tutelary deity of the Republic. The House will judge what must be the administration of criminal justice in France, when the commissioners of the legislature encourage contests, and hold public elections for the office of common executioner, admit the successful candidate to their table, join with him in toasting severity to the judges, and sanctify the axe itself as an object of filial affection, and of religious veneration. The spirit and practice of the revolutionary tribunal cannot be better summed up than in the words of Brissot, uttered a few days before his imprisonment. He says, "It is a tribunal arbitrary in its forms, absurd and partial in its proofs, iniquitous in its judgments, and fit to make one regret the bastiles of despotism."

The effusion of blood at Paris has been such, that not less than a thousand executions have taken place there within the course of six months. Yet the vengeance and avarice of the government is so far from being satiated, that the commissioners of police have lately acquainted the municipality of Paris, that the pit which had been appropriated for the burial of the unfortunate victims of the revolutionary tribunal was nearly full, and could not hold above some sixty more; they therefore desire immediate authority to dig another, to prevent any delay of justice. I cannot forbear to remark in

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this place, that during the whole period when all the power and authority of government in France were exercised by that humane and benevolent prince, whose innocent blood was shed on the scaffold, not one instance is to be found of an execution for a state crime!

But the tribunal at Paris, although subdivided into four sections, could not circulate the salutary movement of terror with sufficient promptitude and effect to the extremities of the Republic. The guillotine had long been in a state of permanent activity at Paris: the ingenuity of zealous patriots was now exercised in devising means for propagating the use of this favourite engine of liberty, and various mechanical inventions were proposed with a view to provide portable axes, and ambulatory scaffolds. A new military force was raised at the expense of persons of property, under the title of a revolutionary army, for the express purpose of traversing every department of the Republic, and of suppressing every symptom of a counter-revolutionary spirit. To each regiment of this army is attached a corps of light armed judges, and a flying guillotine. I copy their own expressions; and if I appear to treat too lightly proceedings calculated to inspire indignation and horror, you must impute it to the peculiar genius and character of the men of whom I speak, to the wild extravagance of their wickedness, and to the levity which is always mingled with their most atrocious crimes. But the commissioners of the Convention in the Western Departments have found that even the revolutionary laws were too mild in their nature, and too slow in their execution, to accomplish the great objects which were proposed by the institution of the revolutionary army. Accordingly they decreed, that the tribunal attached to their regiment, should be both military and revolutionary, and that its sentences should be of a mixed quality, partaking of the principles of martial law, tempered by the mild spirit of that humane code which was substituted by Danton in place of the fury of the mob. To secure the uniform activity of this amphibious court, it was given out in general orders, that the judges, the public accuser, the clerk, and other officers of the court, should be mounted upon the fleetest horses in the service, and should form a troop of Chasseurs, to be united to the establishment of the staff, and to take post near headquarters wherever the army might halt. Thus equipped, Laplanche, one of the commissioners, informs the Convention, that he has named his corps "The Infernal Regiment," and that he parades the country with justice and clemency at his left hand, and the guillotine at his right; an order of precedency perfectly consistent with the etiquette of a revolutionary government.

It cannot be denied that this army, with its attendant tribunal, uniting all the severity and vigour of civil and military despotism, is one of the most effectual expedients ever yet invented for extending the influence of tyranny to the remote parts of a great empire, and to every class and description of a numerous people. It is applicable to every purpose of terror, of plunder, and of revenge; it has in fact been applied to all of them in their turn, and has been the main engine of government for some time past. Its principal duties in the course of its march have been, as you may collect from the different reports made to the Convention, to regenerate the municipalities, and to execute the former municipal officers; to collect the revenue, and to superintend the ruin of agriculture and the abolition of commerce; to compel the rich to "disgorge" their wealth; to compel the farmers and tradesmen to sell their stock for one third of its real value, and occasionally to seize the stock itself, and to murder the proprietor; to lower the price of day labour, and to force the labourer to work at the reduced price; to break open every private house under pretence of searching for concealed treasure, and by the application of torture and the terror of death, to extort the whole substance of every opulent farmer, and of every industrious tradesman; to drag all suspected persons to prison, and all declared adversaries of government to the scaffold; to plunder churches of every emblem of Christianity, and to suppress the worship of every form and sect of religion. But amongst all the uses to which the revolutionary army is applied, none is more important to the government, none more vexatious and oppressive in its effects on the happiness and welfare of the people, and none more ruinous to the internal prosperity of the country, than the duty of enforcing the levies for the army on the frontier. I have already endeavoured to explain the system of exaction and extortion practised for the purpose

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of procuring the means of paying the armies upon the frontier; I have described its destructive effect upon every species of property, and upon every permanent resource of revenue; I have also stated to you, the violence and rapine employed in order to supply those armies with provisions, with clothing, and with every necessary store; and I have traced the operation of those measures upon the internal trade and cultivation of the country. I shall now show that the evils which attend the raising of this immense military force highly aggravate those by which it is maintained; and that the mere levy of these armies is in itself an oppression of the most grievous nature, and productive of the most pernicious consequences to the interests both of agriculture and of commerce.

The law for the requisition of the whole mass of the people, passed at the latter end of August. By this law every man in France from the age of eighteen to fifty is compelled to give his personal service in the army at the requisition of the national commissioners. The rigour with which this law was executed, will appear from a resolution of the department of Herault sanctioned by the Convention, and since converted into a general law. "Every father and mother shall be bound to declare the place of abode of their children summoned by requisition for the service of the army; every citizen is forbidden to harbour or conceal any persons under requisition. The soldiers of the revolutionary armies are authorized to arrest all persons who shall appear to them to have been put into requisition, and to lodge them in gaol if they endeavour to escape. The proper officers are to search every house twice a week in order to discover any person who may attempt to elude the requisition." To enforce this severe military conscription, a law was passed (to which I have already alluded) subjecting any person who should impede the levy of the army, by words or otherwise, to the punishment of death—Not only no parent can venture even to advise his children to remain at home, but in most parts of the Republic the executioner has been the recruiting serjeant, and the unfortunate peasants and labourers in the provinces have been compelled to make their option between the perils of battle, and the unerring stroke of the guillotine. Many insurrections have happened in the several departments in consequence of this violence, and have been suppressed by the revolutionary armies and their attendant tribunals.

The immediate effect of such a system, must be to disturb the happiness of every private family, to involve all the inferior classes of the people in misery and ruin, to suspend every act of honest industry, and of useful labour, and to expose all who remain in the country, to the complicated calamities of indigence and famine. To what degree these evils were expected to operate by the Convention itself, we may judge from the measures which have been taken to avert them. Towards the latter end of September, a law passed, to compel all farmers, manufacturers, or labourers remaining in France, to cultivate the lands of those who were absent on the service of the army. This is the regular course of the revolutionary system, to endeavour to remedy the mischievous consequences of one act of oppression, by committing another. Having torn five hundred thousand men from the bosom of their families, and from the cultivation of the earth, they attempt to supply that loss, by the compulsory labour of those who had been rejected from the service of the army; they have recourse to the refuse of their own tyranny; and they rely for the subsistence of France on the miserable remnant of a depressed, impoverished, and dejected people. That an army, raised by such means, should be animated by the enthusiasm of liberty I cannot believe, until I can forget all the circumstances which I have just now described, as well as all the events which have happened in France since the accession of the revolutionary government. That so large a body of men collected together under military discipline, and opposed to an enemy, may feel a great degree of military enthusiasm, is a proposition which I do not mean to contest; but my object has been, in whatever observations I have made on this part of the subject, to direct your attention to the internal state of France as resulting immediately from the operation of these military levies. It is for the wisdom of the House to determine, what must be the condition of that state, whose army is raised by the suspension of agriculture, under the terror of death, and at the daily hazard of insurrection, paid by the destruction of the rights of property, and by the practice of public fraud, and supplied by the annihilation of

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domestic trade, and at the risk of internal famine.

You have now before you the principal features both of the theory and practice of the revolutionary government. Reviewing this unexampled system in all its details, you will find special and effectual provision established for the indiscriminate misery and ruin of every rank and order of society. It contains a principle of impartial persecution equally applicable (as the occasion may require) to the separate interests of every distinct class and description of the people, from the gentlemen of landed property, and the opulent bankers and merchants, down to the industrious manufacturer and the laborious peasant. Are these the arts of government? Are these the means by which the discordant interests and the contending passions of mankind can be brought to act in concert and can be directed to the welfare of the community, the end of all political society, and the only solid foundation of power? I speak to an assembly versed in all the great maxims of government, affectionately attached to the genuine principles of liberty, and accustomed to deliberate on whatever can affect the interests of a powerful state, and the happiness of a numerous people: in such an assembly I am persuaded that I should not be contradicted if I were to contend, without any farther proof, that a tyranny so constituted and exercised, must of necessity be odious to the people, and consequently whatever might be its temporary efforts, must rest upon an insecure and uncertain foundation. But I need not rely on general topics, however justly drawn from the constitution of human affairs, and from the character of man in all situations, and in all ages. The people of France (although hitherto unfortunate in the attempt) have not submitted tamely to the oppression of this mean and humiliating usurpation. In no less than forty of the departments, a spirit of indignation has broken out against the government; in many, the people have taken up arms, and waged open war; in some, they have expressed their discontent by riots and insurrections, by opposing the levies for the army, and by refusing to submit to the confiscation of their incomes, and to the plunder of their goods. This spirit has appeared with great strength in all the most opulent commercial towns; but it has not been confined to them; it has been diffused as widely as the oppression which occasioned it, and its symptoms (varying with opportunities, and with means of exertion) are to be traced in almost every town and village of France. They are to be traced in all those acts of arbitrary power by which the several municipalities have been regenerated, the popular societies purged and purified, and the sense of the people violently suppressed: they are to be traced in all the expeditions of those revolutionary armies and itinerant executioners, who have been embodied for the circulation of the movement of terror, and who traverse the country with express orders to stifle the rising flame of general revolt.

If we are to believe the testimony of the Convention, the object of all these commotions is uniformly the restoration of monarchy; the Convention insists that the discontented spirits in France universally look up to some form of royal authority, as the only standard under which all the friends of order and law can re-assemble with safety, under which they may all forget their former animosities, reconcile their discordant opinions, and unite in a firm league for the destruction of that despotic anarchy which is their common enemy, and which cannot subsist without producing their common destruction. This spirit may have been oppressed for a moment, but it is not extinct. After all the misfortunes which have fallen on those who had the courage to stand foremost in opposition to the plunderers of their country, after all the scenes of blood which have been acted under the authority of the Convention, the agents of their cruelty have been compelled to confess, that although they have gratified their revenge in the massacre of multitudes of their adversaries, they have not been able to subdue the unconquerable "incivism" of the survivors. At Bourdeaux, when the popular society had been taken by storm, when the whole town had been disarmed, when three hundred rich merchants had been imprisoned, and when the revolutionary tribunal, seconded by the patriotism of the executioner, had destroyed every distinguished enemy of anarchy, a letter is written to the municipality of Paris from one of their agents, lamenting, "that after having studied the temper of the public mind at Bourdeaux, he must declare, that not one man in that city had yet reached the exalted level of the revolu-

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tion. The commissioners of the Convention met regularly in the temple of Reason on the last day of each decade, chaunted hymns in honour of liberty and sound philosophy, and preached sermons worthy of true mountaineers; but they could scarcely collect a congregation."

In other accounts from Bourdeaux it appears, that it had been found necessary to regenerate the whole company of actors at the theatre to secure the performance of revolutionary plays; but even this measure failed of its effect. The actors were changed, but the audience remained the same; the audience would not endure to hear a single revolutionary verse. To use the phrase of the patriot who reports this transaction, "they hissed all the passages which were most conformable to the order of the day; and the new mayor (the successor of him who had been regenerated by the guillotine) was obliged to interpose, and to compel by force the free and sovereign people to receive, without indignation, the homage offered to their sovereignty, and to listen with patience to the panegyric of their freedom."

Although the Convention has repeatedly boasted that the seat of the war in the north-western departments presented nothing to the view but a heap of ashes bedewed with the blood of the insurgents, although we have often heard of the total extirpation of the army of the royalists, that army has as often risen again, and opposed a vigorous resistance to every force which has yet been employed against it. Even at Lyons, notwithstanding all the feasts and orgies of murder (for so they were styled by those who celebrated them), the sentiments of the citizens remain unaltered, and undisguised. After having sequestrated the property of all who were engaged in the insurrection, and having levied a forced loan upon all who were not, for the express purpose of "defraying the expenses of the necessary demolitions," after the actual demolition of all the most beautiful buildings, the execution of the principal citizens, and (according to their own words) "the complete enfranchisement of the city;" the commissioners of the Convention were "astonished at the insensibility of the inhabitants. A sullen silence accompanied every period of the salutary work of regeneration; not one expression of joy was heard for the return of liberty; not one address of thanks or congratulation was presented on an occasion which seemed naturally to call forth every sentiment of gratitude and satisfaction." The commissioners, however, were not discouraged, they proceeded with increased vigour: concluding that the effusion of human blood had not yet been sufficient to inspire the people with the enthusiam of true liberty, they now rejected the use of their favourite engine of death, as being wholly inadequate to the prodigious magnitude of their extensive designs. Mixing the instruments of war with the perverted forms of criminal justice, and blending the solemnity of a public execution with the tumult and slaughter of battle, they executed a project of massacre, such as never before had been attempted or even conceived by the most inventive genius in the arts of cruelty. This effort also disappointed their expectations, and they complain, that "the traitors whom they had punished persisted in their treason even to the hour of their execution." Death in its most formidable shape, attended with every accumulated circumstance of terror, could not shake the constancy of these brave men. In the face of the executioner, in the very mouths of the cannon pointed against them, they maintained their principles, they avowed their attachments, and in their dying agonies mingled the expressions of veneration for the memory of their murdered sovereign, and of loyalty to his surviving issue, with their last prayers to their insulted God. The effects of this unprecedented barbarity were not more favourable on the minds of the spectators. Some time after the commencement of the new system of execution, the general of a division of the revolutionary army declares, that "when he entered the city of Lyons, although the inhabitants paid him the compliment of shutting up their houses and shops as he marched before their doors, they demonstrated, by the most unequivocal gestures, their obstinate adherrence to the crimes of those whose punishment they had beheld." He says, "He met several women dispersed through the streets, and in every face he perceived the expressions of rage and resentment, rather than those of repentance or fear." The commissioners of the Convention appear at length absolutely to despair of thecomplete regeneration of this enfranchised city; in one of their last reports they acknowledge, "that among an hundred and forty thousand inhabitants, they have as yet discovered not more than

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fifteen hundred exempt from the guilt of rebellion; and they recommend as the last expedient, that all the inhabitants should be banished from Lyons in bodies of twenty or thirty thousand, and settled in some remote part of France; they express a hope that these colonies, when transplanted into a better soil, may bear the fruits of liberty." But where is that happy soil to be found, in which they shall learn to forget the indignities which they have suffered, and the cruelties which they have beheld? It is observed by the French author (Camille Desmoulins), that the Jacobin faction has increased the number of its enemies, by the very means employed to exterminate them. Massacre will not extinguish popular discontent. Every victim of injustice and cruelty bequeaths his revenge to his connexions, to his friends, and to his relations: or (if all these should be involved in the same common fate with himself) every such execution raises detestation and abhorrence, even in the breast of ordinary spectators, and unites the public opinion against a government which exists only by the daily practice of robbery and murder.

From this disgusting scene, let us turn our eyes to our own situation. Here the contrast is striking in all its parts. Here (to use the eloquent language of a distinguished member * of this House) "We see nothing of the character and genius of arbitrary finance; none of the bold frauds of bankrupt power; none of the wild struggles and plunges of despotism in distress, no lopping off from the capital of debt; no suspension of interest; no robbery under the name of loan; no raising the value, no debasing the substance of the coin." Here we behold public credit of every description rising under all the disadvantages of a general war; an ample revenue, flowing freely and copiously from the opulence of a contented people, from the increasing sources of agriculture, not only unimpaired, but actually improved, even in the midst of hostilities; from a commerce, not engaged in a hostile contest with the supreme power of the state, not "enslaved and invested on all sides" by arbitrary restraints, not reproached, suspected, and punished for its accumulating profits, but protected in its gains, unrestrained in its enterprises, supported in difficulty, and relieved from danger, by the vigilant care of a wise and provident legislature. We behold armies not levied by compulsory requisitions, not torn from the plough and the loom by the hands of the executioner, not paid and supplied by *prehensions* and seizures of private property, but proceeding from the spontaneous effort of a brave nation, maintained without difficulty and without oppression, and assisted under all the hardships of war by the voluntary generosity of their fellow subjects. Instead of the proscription of honest industry, and the confiscation of all private fortunes, instead of peopled prisons and crowded scaffolds, instead of persecuted christianity, and established atheism, we see property respected, justice allied with mercy, and liberty with law, an inviolable regard for the rights of personal freedom, and a sacred reverence for the principles of religion: and in the public mind, we find a due sense and value of all these blessings, a general conviction that they are all involved in the issue of the present contest, and a firm determination to prosecute it with vigour, as the only means of securing their continuance.

The result of this view, both of the condition of our enemy and of our own, leads to a variety of deductions, all of which are essentially connected with the subject of our present deliberation. It proves that the whole fabric of the government now prevailing in France, is unsound in every part; that the measures by which the efforts of that government have been maintained in the last campaign, are at this moment exhausting the resources of the country, not slowly and gradually, not according to the regular progress of ordinary evils in the administration of states, but with a rapidity and violence which at once dissolve the very elements of the system of political economy, and preclude the possibility of recurring even to the same destructive projects in the event of any new exigency; it proves, that these measures are not only temporary and occasional in their very nature, but are expressly admitted to be so by the persons who proposed them; all the most important operations of finance are of this description; and Barrere himself felt the levy of the mass of the people to be a project of such danger, that when he introduced it into the Convention, he justified it upon this single argument, "that it would bring the war to a termination in the course of the campaign," meaning that which has

* Mr. Burke's speech on the economical reform of the king's household; See Vol. 21 p. 6.

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just now been closed. It proves, that such having been the true causes of whatever difficulties we have already experienced, we may entertain a reasonable expectation, that causes so unnatural, together with their monstrous effects, must ultimately yield to a steady and unremitting exertion of our natural and genuine strength, confirmed by the co-operation of our numerous allies it proves farther, that the same measures which have enabled the ruling faction to resist our attacks, have been so odious to the feelings, and so ruinous to the interests of every class and description of persons in France, as to have entirely alienated a large proportion of the people from the government; and this circumstance becomes a strong additional reason for perseverance in our efforts, as it must tend to facilitate the success of any impression which we may hereafter be enabled to make.

Such are the reasons on which I ground my hopes of our final success in the present war. The necessity of our perseverance, is to be deduced from the same considerations. For it appears, in the first place, from the detail which I have laid before you, that the destructive doctrines, and the false principles of government, of which you dreaded the extension even in their infancy, have now attained full maturity and vigour, and have produced enormities infinitely surpassing whatever you had apprehended from their progressive malignancy, and from their active powers of mischief. It appears that these enormities have been formally digested into a code, and embodied in a regular system, from which has sprung a tyranny so atrocious in form, in substance, in principle, and in practice, that as every man of common humanity must desire to see it destroyed in France, for the sake of the people who suffer under it; so every member of civil society would willingly encounter the calamities of the most protracted war, rather than incur the risk of subjecting his own country to the pernicious effects of such an evil. The question, therefore, which remains to be considered is, whether we can effectually secure ourselves against the inroad of that evil, by any other means than the continuance of our present exertions.

From the facts which I have already enumerated, it is incontestible, that in proportion as this tyranny consumes the property of France, it must entertain projects of ambition and aggrandizement; it must endeavour to repair its disordered finances by preying upon its neighbours, and to supply the exhausted resource of domestic confiscation by foreign plunder. It is equally evident, on the same general grounds, that it must be the immediate interest of a government founded upon principles wholly contradictory to the received maxims of all surrounding nations, to propagate the doctrines abroad by which it subsists at home, to assimilate every neighbouring state to its own system, and to subvert every constitution, which can form a disadvantageous contrast with its own absurdities; such a government must therefore, from its nature, be hostile to all regular governments, of whatever form; but, above all, to those which are most strongly contrasted with its own vicious structure, and which afford to their subjects the best securities for the maintenance of order, liberty, justice, and religion. Engaged in a contest with enemies of such a character, nothing can secure us against the danger of their future violence but an effectual reduction of their present power. A peace founded on any other principles would not only be illusory, but must inevitably produce the most fatal consequences to all our most valuable interests. But the government of France neither can nor will accede to terms of peace in any degree conformable to this principle, so indispensably necessary to our security. By an article of the constitution of the 10th of August 1793, it is positively declared, as a fundamental maxim of the foreign policy of France, that she will not conclude peace with an enemy who occupies any part of her territory: this article was not suspended by the institution of the revolutionary government; it was acted upon by the agents of the Convention in the island of Corsica during the course of the last campaign, and their proceedings have been since deliberately approved by the Convention. Under this article it is obvious, that no peace can be concluded with France, unless we previously surrender into her hands all the acquisitions which we have made from her territory in the course of the present campaign; and here the importance of those acquisitions will perhaps be felt even by those who have hitherto undervalued them. We must surrender not only Valenciennes, Conde, and Quesnoy, but our conquests at Newfoundland and in the East and West Indies, and having thus abandoned all means of indemnity, we are to rely upon the good will

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of the Convention for such security as they may vouchsafe to grant us. But this humiliating and dangerous concession is far short of the extent of the indignity and hazard to which we must subject ourselves even in the preliminary steps towards a treaty of peace in the present moment.

It has been supposed by some persons, that in the month of April, the obnoxious decree of the 19th of November 1792 was repealed, and arguments have been drawn from that circumstance, to prove that the Jacobin faction have wholly abandoned their system of ambition and of interference in the internal affairs of other countries. But the fact is, that the decree of the 19th of November 1792 has never been formally repealed. On the 13th of April 1793, a period in which it may naturally be supposed that the failure of their designs against Holland, and the expulsion of their army from the Netherlands, had depressed the spirits of the Convention, a decree was proposed and passed, at the suggestion of Robespierre and Danton, for the express purpose of throwing difficulties in the way of any negociation with the belligerent powers. In introducing this decree, Danton uses the following expressions: "The principle of my motion is, that the penalties of death shall be inflicted on any man who shall propose to the republic to treat with any enemy, who has not, as a preliminary, recognised the sovereignty of the people; in a moment of enthusiasm, we made a grant of universal fraternity, by which we seem to be bound to succour any patriot who may choose to make a revolution in China; but our first care ought to be the foundation of the power of France; when the republic shall be securely established, our energy and our new lights will attract every people on earth; let us therefore declare, that we will not interfere in the affairs of other states; but let us also determine to condemn to death any person who shall propose a negociation, which has not for its basis the principles of our liberty." After this speech a decree was passed, in the first article of which the Convention declares, "that it will not interfere in the internal government of other powers." The next article enacts the penalties of death against "whoever shall propose to negociate or treat with any power at war with the Republic, unless such power shall have previously made a solemn recognition of the independence of the French nation; and of the sovereignty, indivisibility, and unity of the Republic, founded upon liberty and equality." I pass over the observations which might be made upon that part of this decree which requires the previous and unconditional acknowledgment of a new power in Europe, as the preliminary of a negociation for peace. But it is necessary to understand distinctly what is meant by the acknowledgment of the "unity and indivisibility of the Republic." This expression is clearly explained by subsequent circumstances. On the 25th of August, a report is made by Herault Sechelles, in the name of the committee of public welfare, to the following effect: "The people of Savoy are apprehensive that France is disposed to abandon that department united to the Republic by the ties of liberty. It is essential to counteract a rumour so fatal to the interests of Savoy, and so injurious to the honour of France. On the 13th of April you passed a decree, by which you entered into a formal engagement with the people of the re-united countries, that you would never consent to abandon them. You are bound by the laws of nature, which have traced the limits of the French empire on the extreme verge of Savoy, you are bound by every consideration of interest and of duty to remove the apprehensions of the people of Savoy, by repeating and confirming the declaration which you made in the month of April; a declaration which placed under your guardianship all the nations situated between the confines of liberty and of slavery." In consequence of this report, a decree was passed, declaring, "that the Convention considers itself bound to afford equal protection to all parts of the Republic, one and indivisible, against all tyrants and their slaves." And accordingly commissioners were named to take proper measures for delivering Savoy from the incursion of the Piedmontese troops. In the debate upon this decree, it is maintained, "that Savoy is an integral part of the Republic, and must be so considered, even if it should appear that the constitution had been accepted there only by a minority of the inhabitants." Barrere closes the debate, and says, "England has bound herself by a treaty with Russia not to conclude peace with France, until France shall have restored her conquests to their original possessors; but Savoy is not a conquest; nature, and the wish of its inhabitants, have united it to France." The

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whole of this debate, and the decree by which it is terminated, refer immediately to the decree of the 13th of April, and furnish a clear exposition of its true sense and effect. It is evident, that notwithstanding the ostentatious renunciation of the principle of fraternity, France still maintains her claim to all those territories united to her dominion by the influence of corruption and of fear, so forcibly described in the confessions of Brissot. This decree of counter-fraternity is therefore in reality a fresh instance of her rooted principles of aggrandizement and ambition; and it is the more remarkable, as it was passed in the hour of adversity, in the period of domestic division, and of foreign misfortune. If any doubt could remain on this interpretation of the intention of that decree, it is entirely removed by the events which happened during the solemnity of the 10th of August 1793. On that day, the representatives of "eighty-six" departments appeared at Paris, for the purpose of acknowledging the acceptance of the new constitution, and the president of the Convention, in a magnificent speech pronounced at the feet of the altar of the country, declared, that the constitution had been accepted by the "eighty-six" departments of France, a number which includes all the re-unions.

The first step, therefore, towards the negociation of peace must necessarily be, to acknowledge the right of France to the duchy of Savoy, and to surrender the Netherlands and the principality of Liege into her hands. Who is the statesman that shall advise us either to insult our allies, by proposing to them, a concession equally incompatible with their interest, and degrading to their dignity, or to renounce every obligation of public faith, and every sentiment of honour, by commencing a separate negociation for peace on such terms without their previous concurrence? They who have frequently argued in this House, that national honour is the most if not the only justifiable cause of war, will not (I presume) contend that national disgrace can be a solid foundation of peace. If it were possible to imagine that we could be disposed to commit an act of such flagrant perfidy, the sense of our own immediate interest would be sufficiently strong to restrain us. We must indeed have forgotten the original cause of this war, the nature of that necessity which compelled us to embark in it, together with every circumstance which has attended its progress, before we can consent to confirm to France the command of the frontier of Italy, to reinstate her armies in their former position on the frontier of Holland, to sacrifice every advantage which we have gained, to repair every loss which she has suffered, to abandon all the resources of the Netherlands to the immediate effects of her rapine, and to leave the wealth and power of Holland at her discretion. After having thus weakened our own barrier, and given new strength to the enemy, after having submitted to such preliminaries, what new indignity might we not expect in the definitive treaty of peace? A farther preliminary concession required by this decree, may serve to apprize us what might hereafter be exacted from this country as a separate article, whenever France should be in a situation to enforce such a demand. It is required that we should acknowledge the sovereignty of the republic founded upon liberty and equality. To repeat the words of Danton, the principles of French liberty are to form the basis of the negociation. We must therefore sanction and ratify, by a formal act of recognition, all those pernicious doctrines from which the calamities of France have flowed; we must abjure the fundamental maxims of our own limited monarchy; we must renounce the elementary principles of every branch of the British constitution; and all this, in order to put ourselves into a situation, in which the National Convention will deign to admit us to treat for peace. If it should be argued that the constitution and the laws of France do indeed present all these obstacles to the negociation of peace, but that the constitution and the law may be disregarded in this instance as they have been in others by the ruling faction: I answer, first, that no man in France can even propose an infraction of this law, without immediately incurring the penalties of death. Secondly, if it were probable that any existing power in France could have the boldness to brave this danger, and the strength to obtain permission for Great Britain to open a negociation on less disgraceful terms, the whole transaction would, on the first favourable occasion, be imputed as a crime to those who had conducted it; the stipulations of a treaty commenced in open defiance of the law would be easily annulled, and we should

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discover too late, our fatal error in having relaxed our efforts precisely at the most critical period of the war, for the prospect of negociating with a government utterly unable to fulfil its engagements.

But after some attention to the subject, I cannot discover any such symptoms of a pacific disposition in the Jacobin faction, as to justify a rational hope, that they would incur the slightest risk for the sake of giving peace to Europe, and least of all, for the sake of giving a separate peace to England. I have already had occasion to make some allusion to the general character of their system of foreign politics. They were the most zealous promoters of the famous decree of fraternity; a decree which was passed by acclamation and with an excess of frantic enthusiasm occasioned in a great measure by their violence. Danton himself moved the re-union of the Netherlands, and upon that occasion first broached the extravagant doctrine, that the limits of France were marked by nature in four points, the Ocean, the Rhine, the Alps, and the Pyrenees, and that peace must never be made until the dominion of France has reached these four natural boundaries. Danton was afterwards one of the commissioners who fraternized with the Flemish people by seizing their wealth, by arresting their persons, by subverting their laws, and by profaning their religion. Cambon moved the re-union of Nice, and was the author of the fraudulent decree of the 15th of December 1792, by which the property of all the re-united nations was placed under the "safeguard and protection" of the French Republic, and converted accordingly to the use of the French treasury, and by which war was declared against every people who should dare to preserve their loyalty to their prince, or to tolerate any distinction of ranks and orders of society. Robespierre was loud in his complaints against Dumourier for not having more rigorously executed this very decree, and for not having invaded Holland immediately upon the first conquest of the Netherlands in the month of December 1792. Barrere was that president of the Convention, who, in the true spirit of fraternity, received the ambassadors of sedition and treason from this country, and joined with them in a fervent prayer for the subversion of the British constitution. His principles were known to be so ardent, that at the ment of the declaration of war he was appointed, together with Thomas Paine, to draw up an address to the people of England for the purpose of alienating their affections from their lawful sovereign, and from the established constitution. The dangerous spirit which unquestionably prevailed among the Jacobin faction at the breaking out of the war, has not been mitigated by the course of subsequent events. It breaks forth in various shapes, according to the difference of occasions, tempers, and situations. The Jacobin society, the parent of the existing government in France, and the fountain head of all political doctrines in that country, so lately as the month of October last, printed and circulated through all the affiliated societies of anarchy, and through all the regular official channels provided for such purposes, a very curious treatise, entitled "Revolutionary Diplomatics, by Anacharsis Clootz, orator of the Human race." In this work the orator of the human race addresses himself to the Sans Culottes of Holland, and exhorts them, to take consolation under their present oppressions. He says, "the principal members of the National Convention, and of the popular societies, are still convinced of the importance of uniting the mouths of the Rhine with the mouths of the Rhone, and of restoring to France the natural limits of ancient Gaul. The geographical position of France is not changed since last year; France cannot be confined within the factitious limits fixed by the folly of her kings; public opinion has already condemned those who would patch up a peace by sacrificing to the cabinet of St. James's the interests of Savoy, Nice, Liege, and the Netherlands. The extension of the territory of France is equally essential to her own domestic happiness, and to the establishment of the rights of man in every part of the world." Towards the conclusion of this new essay on the law of nations, it is announced, "that the day is approaching when the people of England shall rise and demand the convocation of an assembly where there shall be no question either of my Lords or Gentlemen." It is true that Mr. Clootz, having been detected in the crime of enjoying a considerable property, has been lately expelled from the Jacobin club; but it does not appear that these enlarged doctrines of universal fraternity, inculcated on the minds of the people of France by order of the Jacobins, have been since withdrawn from general circulation; and we have no more reason to conclude from the expul-

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sion of Mr. Clootz, that his Revolutionary Diplomatics have been involved in the fate of their author, than that the Convention, in expelling Thomas Paine intended to renounce the Rights of Man. Robespierre, in terms somewhat more measured, has expressed sentiments of the same mischievous tendency, in his report of the 17th of November 1793, upon the political situation of the Republic, a report made in the name of the committee of public welfare, which had before that time been invested with the whole powers of government: "The Brissotins, while they left our soldiers without arms, our fortresses without provisions, and our armies in the hands of traitors, urged us to go and plant the standard of the Republic on the extremities of the world; with the stroke of a pen they overturned all thrones, and added Europe to the French empire. The sincere friends of the Republic had a different plan: before they attempted to break the chains of the universe, they wished to secure the liberty of their own country; before they carried war into the countries of foreign despots, they wished to direct it against the tyrant who betrayed them at home; convinced that a king was but a bad guide to conduct a people to the conquest of universal liberty." You may understand from this passage, with what view Robespierre and his party urged the murder of their unfortunate sovereign; it was (according to the avowal of the committee of public welfare in this report) for the purpose of establishing a government, under which the people of France might be more readily conducted to the conquest of universal liberty; a phrase which now requires no comment. On the 5th of December, Robespierre reported his famous answer to the manifestoes of all kings. In this extraordinary composition is contained a more scandalous libel against every prince in Europe, and a more virulent invective against monarchy itself, than any which has yet appeared, even in France. He calls all kings "slaves in a state of insurrection against the sovereignty of the people." He says, "that royalty is the masterpiece of human corruption." He maintains (as I have already stated) "that regicide is an act of the purest piety;" but he declares, "that he has no farther intention, than to enlighten the minds of mankind, with regard to the crimes of their respective governments." He concludes with an argument to prove that "the British government must be a despotism, because there is an opposition in parliament; and he calls the British people a vile and insolent race, which has the presumption to talk of the rights of freedom, and of the duties of morality." These expressions bring before your view, not only the general hostility professed by the Jacobins against all regular government, but their particular animosity against the united people of these happy kingdoms, and against the whole frame of the British constitution. Similar expressions of fixed and rooted hatred are to be found in every important act of the government; I will quote a few instances, all taken from the reports made by different persons to the Convention, in the name of the committee of public welfare.

On the 16th of October 1793, Saint Just proposes a decree for the arrest of all Englishmen remaining in France, and for the seizure of their property: he concludes his report with these words: "we will give our friendly assistance to the people of England, in order to enable them to rid themselves of kings." Upon the evacuation of Toulon, Barrere says, in a triumphant tone, "the day is not distant, when the people of England shall recollect that they were once Republicans, and that it was an usurpation which reduced them again to the calamitous condition of subjects living under monarchy." The same person, on the 21st of September, 1793, proposing an act of navigation for the express purpose of destroying the commerce and naval power of Great Britain, uses these words: "Carthage was the torment of Italy; Carthage was destroyed by Rome; London is the torment of Europe; London is an ulcer which wastes the strength of the continent; London is a political excrescence which liberty is bound to destroy: may England be ruined! may England be annihilated! Such ought to be the concluding article of every revolutionary decree of the National Convention of France!" I cannot dispute the wisdom and policy of this sentiment; I must agree with Barrere, that the ruin and annihilation of England would be, in the technical sense of the phrase, a revolutionary measure.—Every motive of interest or of passion, which could engage the Jacobin faction to disturb the peace of any independent state, must operate with redoubled force against Great Britain: enemies not to the tyranny, but to the order of absolute monarchy, enemies to the principle of order itself, their animosity must be

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most peculiarly exasperated against a frame of government, in which that principle appears in its most perfect and beautiful form. This is so consistent with the genuine character of anarchy, that the very same sentiment is attributed by Milton to the "old anarch" Chaos himself. He is introduced complaining to his guest Satan of the various encroachments which have been made upon the ancient empire of confusion and discord; he first complains even of the order established in the infernal regions, but he is incensed to the utmost height of indignation against the beautiful order of the creation. Since the completion of that work, he declares, that he is compelled to keep perpetual watch upon his frontier, endeavouring, if he can, to preserve the remnants of his anarchy from invasion. When he is informed that Satan is upon his passage to Paradise in the character of a missionary from the rebellious spirits for the express purpose of disturbing the peace of mankind, he receives him with great cordiality, directs his course, and wishes him a prosperous voyage. Satan repays this hospitality by a promise, that he will use his utmost efforts to disorganize the world: he says,

"Direct my course
Directed, no mean recompense it brings
To your behoof, if I that region lost
(All usurpation thence expelled) reduce
To her original darkness, and your sway,
(Which is my present journey) and once more
Erect the standard there of ancient night,
Yours be th' advantage all, mine the revenge."

All the scenes of fraternity which have been acted by the modern anarchs, all their libellous speeches and virulent reports, seem to have been modelled from this precedent. Their general view has uniformly been, and still continues to be, the subversion of all regular government, of whatever description; but their primary object is, and must be, to abolish every trace and vestige of a government, which furnishes a practical lesson to mankind, that a just gradation of ranks and orders of society connected with the principles of a limited monarchy, affords the best protection for the liberty and happiness of individuals, as well as the most permanent basis of national union, and of political strength.

Such being the passions and interests of the revolutionary government, and such being the nature of the system established under their influence, while that system shall exist either under their administration, or without changing its character, shall pass into the hands of any new faction, we cannot attempt even the preliminary steps towards a negociation for peace, without relinquishing all hope of indemnity for the hazard and expense of the war, and without renouncing all prospect of security against the designs of France; we must augment her resources, we must aggrandize her dominion, we must recognise and confirm her principles of government, we must abandon our allies to her mercy, we must let her loose to prey at discretion upon the whole continent of Europe; and after having by this unconditional grant, furnished her with the most formidable means of universal aggression, we are to confide in the words of a treaty for our sole protection against the common danger; then might be applied to our weakness and infatuation, the words of a sacred writer, once before applied to a nation under the influence of a similar delusion: "Ye have said, we have made a covenant with death, and with the grave are we at agreement; when the overflowing plague shall pass through, it shall not come unto us. But your covenant with death shall be disannulled, and your agreement with the grave shall not stand, when the overflowing plague shall pass through, then ye shall be trodden down by it." And trodden down we shall be, if we shrink from our duty on this day. For how can we indulge the visionary hope, that in the general plunder of property, in the destruction of order and government, in the wreck of civil society, the British empire alone shall be spared? How can we delude ourselves with the imagination that France, in the plenitude of her power, and in the full career of her success, will respect that nation alone, which is the avowed and peculiar object of her hatred, which offers the strongest temptation to her insatiable avarice, and opposes the most effectual obstacle to her licentious ambition?

Thus, Sir, I have endeavoured to prove, that the original justice and necessity of this war have been strongly confirmed by subsequent events; that the general result of the last campaign, both upon our own situation and upon that of the enemy, affords a reasonable expectation of ultimate success; and that not only the characters, the interests, and the dispositions of those who now exercise the powers of

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government in France, but the very nature of that system which they have established render a treaty of peace upon safe or honourable terms impracticable in the present moment, and consequently require a vigorous and unremitting prosecution of the war.

Hitherto, I have addressed my arguments to the whole House; in what I shall now urge, I must declare, that I do not mean to address myself to those few among us who did not share the common sentiment of the House, and of the public in that period of general alarm which immediately preceded this war. But I appeal to those who, previous to the commencement of the war, felt in common with the great body of the people a well-grounded apprehension for the safety of our happy constitution, and of the general interests of civil society; do they now feel the same degree of anxiety? Even in the midst of hostilities, in the very heat of the contest, and after a campaign which, although greatly successful in its general result, has neither been exempt from difficulty, nor from the ordinary vicissitudes of a state of war, do they not now feel in their own breasts, and perceive in the public mind, such a degree of confidence in the security of all that can be dear and valuable to British subjects, as they would have gladly purchased before the war, even by surrendering a part of those interests, the whole of which was menaced in that gloomy period of general consternation?

What change of circumstances, what happy combination of events has calmed the anxiety, and revived the depressed spirits of the nation? Is it the decree of counter-fraternity, declaring that France will no longer interfere in the internal affairs of independent states, but reserving to her the sovereignty of all those countries which were overrun by her arms, in the first career of her inordinate ambition? Is it the reply of Robespierre to the manifestoes of all the princes of Europe, in which he pronounces kings to be the master-piece of human corruption, in which he libels every monarch in Europe, but protests that France has no intention to disturb monarchy, if the subjects of kings are still weak enough to submit to such an institution? Is it the murder of Brissot and his associates? Is it the disgrace and imprisonment of Anacharsis Clootz, the author of the Revolutionary Diplomatics; or of Thomas Paine, the author of the Rights of Man? Is it any profession, assurance, or act of the revolutionary government of France? You all know it is not. The confidence of a wise people could never be rested on such weak and unsubstantial foundations. The real cause of our present sense of security is to be found in our own exertions combined with those of our allies. By those exertions we were enabled to withstand and repel the first assault of the arms and principles of France; and the continuance of the same effort now forms our only barrier against the return of the same danger. Who then shall venture to persuade you to cast away the defence which has afforded you protection against all the objects of your former apprehension, to subvert the foundations of your present confidence, and to resort for your future safety, to the inconsistent decrees, to the contradictory declarations, and to the vague assurances of a guilty, desperate, and distracted faction, which offers no possible ground of security either in the principles of its policy, or in the stability of its power? All the circumstances of your situation are now before you. You are now to make your option, you are now to decide whether it best becomes the dignity, the wisdom, and the spirit of a great nation to rely for her existence on the arbitrary will of a restless and implacable enemy, or on her own sword: you are now to decide, whether you will entrust to the valour and skill of British fleets and British armies, to the approved faith and united strength of your numerous and powerful allies, the defence of the limited monarchy of these realms, of the constitution of parliament, of all the established ranks and orders of society among us, of the sacred rights of property, and of the whole frame of our laws, our liberties and our religion; or whether you will deliver over the guardianship of all these blessings to the justice of Cambon, the plunderer of the Netherlands, who, to sustain the baseless fabric of his depreciated assignats, defrauds whole nations of their rights of property, and mortgages the aggregate wealth of Europe; to the moderation of Danton, who first promulgated that unknown law of nature, which ordains, that the Alps, the Pyrenees, the Ocean, and the Rhine should be the only boundaries of the French dominion; to the religion of Robespierre, whose practice of piety is the murder of his own

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sovereign, who exhorts all mankind to embrace the same faith, and to assassinate their kings for the honour of God; to the friendship of Barrere, who avows, in the face of all Europe, that the fundamental article of the revolutionary government of France is the ruin and annihilation of the British empire; or finally, to whatever may be the accidental caprice of any new band of malefactors, who, in the last convulsions of their exhausted country, may be destined to drag the present tyrants to their own scaffolds, to seize their lawless power, to emulate the depravity of their example, and to rival the enormity of their crimes.

Mr. *Sheridan* said, that the noble lord had divided a speech, more remarkable for its ability than its brevity, into two parts: the first, a detail of all the atrocities that had been committed during the whole course of the Revolution in France; the second, a kind of posthumous arraignment of the offences of Brissot and his associates. As he did not perceive any noble or learned member inclined to rise on behalf of the accused, as he conceived the pleadings on the part of the prosecution to be closed, and as the Speaker was evidently not proceeding to sum up the evidence, he hoped he might be permitted to recall the attention of the House to the real object of that day's consideration. He admired the emphasis of the noble lord, in reading his voluminous extracts from his various French documents; he admired, too, the ingenuity he had displayed, in his observations upon those extracts; but he could not help farther expressing his admiration, that the noble lord should have thought proper to have taken up so many hours in quoting passages in which not one word in ten was to the purpose; and often where they did apply to the question, they directly overset the principles they were brought forward to support. The noble lord's purpose was to prove, that France had begun the war with Great Britain: this, he appeared to think he had established the moment he had shown that Brissot and others had promulgated, in print, a great many foolish and a great many wicked, general principles, mischievous to all established governments; and this, indeed, had been the only way in which any one had ever endeavoured to fix the act of hostile aggression upon France. No part of the king's speech, it seems, more fully met the noble lord's approbation, than that in which he had warned us to keep in sight the "real grounds and origin of the present war." For his part, he knew not how to obey the call, for he knew not how to keep in sight that which had never yet been in his view. The "real grounds" of the war had never yet been explained, either to that House or to the nation; but shifting clouds had veiled them from the public eye. The noble lord, however, appears to have understood his majesty's allusion; he recollects the "real grounds" upon which the war was, in point of fact, undertaken; that is, he knows the means by which we had been brought into this war;—we had been brought into it by repeated declamations on all that the frenzy, folly, and rashness of individuals in France, had either said or written, by which the passions of this country could be roused, or their fears excited, in order to second the views of those who had determined to plunge us into it at all events; therefore the noble lord, consistently enough, imagined that a repetition of the same means which induced us to commence hostilities, was the best method of persuading us to continue them. Hence all this passionate declamation, hence this laborious farrago of extracts and anecdotes—of extracts from a book, which the noble lord allowed every one to have read; and anecdotes, of which he admitted that no man who saw the newspapers, could be ignorant. But what was the sum of all that he had told the House? that great and dreadful enormities had been and were still committing in France. All this was most true; but what did it prove? What, but that eternal and unalterable truth, that a long established despotism so far degraded and debased human nature, as to render its subjects, on the first recovery of their rights, unfit for the exercise of them; but never would he meet but with reprobation, that mode of argument which went to establish as an inference from this truth, that those who had been long slaves, ought therefore to remain so for ever. No; the lesson ought to be a tenfold horror of that despotic form of government which had so changed the nature of civilized man, and a still more jealous apprehension of any system tending to withhold the rights and liberties of our fellow creatures.

But, it was said, the madness of the French people was not confined to their own country, we, and all the powers of

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Europe had to dread it. True; but was this also difficult to be accounted for? Had not the surrounding states goaded them into a still more savage state of desperation? We had unsettled their reason, and then reviled their insanity; we called them monsters, and hunted them like monsters; we drove them to the extremities that produced the evils we arraigned; we baited them like wild beasts, until at length we made them so. The conspiracy of Pilnitz, and the brutal threats of the royal abettors of that plot against the rights of nations and of man, had, in truth to answer for all the additional horrors which had since disgraced and incensed humanity. Such has been your conduct towards France, that you have created the passions which you persecute; you mark a nation to be cut off from the world, you covenant for their extermination: you swear to hunt them in their inmost recesses; you load them with every species of execration; and now you come forth with whining declamations on the horror of their turning upon you with the fury which you inspired.

Sir, I should think it sufficient to answer thus generally to all the pathetic appeals to the passions, so constantly resorted to on this subject; but the noble lord, I am ready to admit, has, on the present occasion, endeavoured to ground more of argument, in one point of view, on the inflammatory passages and anecdotes he has quoted, than has been usual with those who have most practised this mode of treating the subject. I cannot, however, agree with the noble lord that he has omitted any advantage to his case, for the sake of saving our time. In going over the pamphlet of Brissot, he tells us, rather whimsically, that he passes over this passage, and runs over that, when all the while he specifically details what he professes only to glance at, and repeats twice over what he declares he will scarcely touch upon. In fact, he has passed over nothing but the question; and now mark the purpose of all this; observe the important conclusion for which, he says himself, he has dwelt so long on these facts, and I admit it to be a great and serious one. Laying aside all question of aggression on the part of France, or of necessity on our part, to enter into the war—all this is done, it seems, to show the House, that the system now adopted by the government of that country is so abhorrent to the feelings of human nature; so contrary to the instinctive love of harmony and of social order implanted in the heart of man; so ruinous to external force, as well as to internal peace, prosperity and happiness, that it cannot stand. This is the conclusion which the noble lord wishes to draw from all the facts and opinions he has detailed. I close with him. I will admit his facts. I will admit that the system now prevalent in France is all that he has called it; and what ought to be our conclusion with respect to such a government? What, but that we ought to leave to the natural workings of the discords which it is calculated to engender, the task of its overthrow; that if it will not stand of itself, it is not necessary for us to attack it. Without disputing any of his premises for the present, I will grant the noble lord not only his principle, but the foundation upon which he builds it. I agree with him, that it is contrary to the eternal and unalterable laws of nature, and to the decrees of the maker of man and of nations, that a government founded on, and maintained by, injustice, rapine, murder, and atheism, can have a fixed endurance; that there are self-sown, in its own bosom, the seeds of its inevitable dissolution. But if so, whence is our mission to become the destroying angel to guide and hasten the anger of the Deity? Who calls on us to offer, with more than mortal arrogance, the alliance of a mortal arm to the Omnipotent; or to snatch the uplifted thunder from his hand and point our erring aim at the devoted fabric which his original will has fated to fall and crumble in that ruin, which it is not in the means of man to accelerate or prevent? I accede to him the piety of his principle: let him accede to me the justice of my conclusion: or let him attend to experience, if not to reason, and must he not admit, that hitherto all the attempts of this apparently powerful, but certainly presumptuous crusade of vengeance, have appeared unfavoured by fortune, and by Providence; that they have hitherto had no other effect than to strengthen the powers, to whet the rapacity, to harden the heart, to inflame the fury, and to augment the crimes of that government, and that people, whom we have rashly sworn to subdue, to chastise, and to reform.

The noble lord appears to have been aware that the number of passages he has quoted from Brissot's book, and other publications, must be considered as having no other object than to excite the mirth, or inflame the passions of the House, un-

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less he had concluded by drawing some inference from them, applicable to the real subject in discussion; and this at length, he has condescended to attempt by affirming, that they all tended to prove that France not only must have been the aggressor, and England the attacked party, but that France is still the party desirous of continuing the war. But how have his quotations borne him out? That Brissot and Robespierre, previous to the experiment on Brabant, equally wished to propagate principles of Republicanism in every country of Europe. I will grant to him, if he pleases, that the latter endeavoured to effect it by force in Brabant, while the former wished to accomplish it by reason, and the example of prosperity which he hoped France would afford. But what does all this prove, when the noble lord, in the very same breath, is obliged to confess, that a short experience made both parties retract their opinion and practice; and that so far from boasting of having provoked a war with England upon such principles, or for such purposes, the strongest reproach that either faction could throw upon the other was, in mutual accusation, of having been the cause of war with the only power in Europe, with whom France was eager to continue at peace? On this head, says the noble lord, Robespierre imputes it to Brissot; Brissot retorts it upon Robespierre; the Jacobins charge it upon the Girondists; the Girondists recriminate upon the Jacobins: the Mountain thunders it upon the Valley, and the Valley re-echoes it back against the Mountain;" all facts, tending to contradict the assertion which the noble lord professed to establish by them, and making still plainer, that there was no one party in France which was not earnest to avoid a rupture which this country, nor any party which we may not at this moment reasonably believe to be inclined to put an end to hostilities.

The noble lord, however, thinks he has established a great deal when he has proved, that all the parties in the Convention were, at the same time, fond of the system of "fraternizing," as it is called, or of making proselytes to the general principles of Republicanism. It may be so; but it would not have been uncandid in the noble lord to have dated the origin of this system, and to have marked the provocation to it; nor unfair to have acknowledged, that even this principle also has been since completely abandoned by all parties. If he refers to it, as a motive for our entertaining a just jealousy of them, he ought to admit their abandonment of it as a ground for our abandoning that jealousy. If their professing such a doctrine, was a provocation to hostility on our part, their retracting it is an opening to reconciliation. From the moment they solemnly disavowed all intention or disposition to interfere in the governments of other nations, why should not we have renounced any intention of interfering in theirs? But instead of this, what has been our conduct? We continue to remind and reproach the French with their unjust and insolent conduct in respect to Brabant and Geneva, at the same time that we adopt ourselves, and act upon, the very principles they have abjured. Who did not reprobate the folly and profligacy of endeavouring to force upon the people of Brabant French forms, French principles, and French creeds? Of dragging them to the tree of liberty, and forcing them to dance round its root, or to hang upon its branches? But what has been the conduct of Great Britain, so loud in the condemnation of such tyranny, under the mask of liberty? What has been her conduct to Genoa? to Switzerland? to Tuscany? and, as far as she dared, to Denmark and to Sweden? For her insolence has been accompanied by its usual attendant, meanness. Her injustice has been without magnanimity. She wished to embark the world in the confederacy against France, the moment she thought proper to join it; the neutrality, of which she herself boasted but a month before, became instantly a heinous crime in any other state of Europe: and how has she proceeded? With those that are powerful, and whose assistance would have been important, she has only expostulated and prevaricated; but in how little, as well as odious a light has she appeared, when threatening and insulting those petty states, whose least obedience to her tyrannic mandates might bring great peril on themselves, and whose utmost efforts could give but little aid to the allies? The noble lord has with a just indignation, execrated the *cruel* and *perfidious* conduct of the fraternizing French to the Brabanters; but will he defend the fraternity of the *just* and *magnanimous* English to the Genoese? Have we not adopted the very words as well as spirit of democratic tyranny? We say to the timid, helpless Genoese, "you have no right to judge for yourselves; we know

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what is best for you; you must and shall make a common cause with us: you must adopt our principles, our views, our hatreds, and our perils; you must tremble at dangers which do not threaten you, and resent injuries which have never been offered to you; you must shed your republican blood in the cause of royalty; in short, you must fraternize with us; you must be our friends, our allies: if you hesitate, we will beat your walls about your ears; slaughter your people, and leave your city in smoking ruins, an example to other petty states of the magnanimity of the British arms, and of the justice and moderation of British counsels." Oh shame, Sir! let us never hear these fraternizing principles, formerly professed by France, quoted as a just provocation for attacking her, while we ourselves, with the most shameless inconsistency, are avowing them in every part of Europe, and practising them where we dare.

The noble lord, still pursuing his anecdotes and his argument, that France must have been the aggressor, and that the war was a war of necessity on our part, next retails to us the conduct of citizen Genet, her emissary to the United States of America. Here again I give the noble lord his facts, and again I declare him to be equally unfortunate in his conclusion. I admit every thing as he states it, with respect to citizen Genet: I agree in condemning the impolitic outrages he practised against the government of America; I reprobate the indecent insults he offered to general Washington; I disapprove of his erection of Jacobin clubs in that country, his establishing consular tribunals for the judgment of prizes, &c. &c. But why has the noble lord overlooked the event of all these heinous and repeated provocations?—America remains neutral, prosperous, and at peace! America with a wisdom, prudence, and magnanimity, which we have disdained, thrives at this moment in a state of envied tranquillity, and is hourly clearing the paths to unbounded opulence; America has monopolized the commerce, and the advantages which we have abandoned. Oh turn your eyes to her; view her situation, her happiness, her content; observe her trade, and her manufactures adding daily to her general credit, to her private enjoyments, and to her public resources; her name and government rising above the nations of Europe with a simple but commanding dignity, that wins at once the respect, the confidence, and the affection of the world. And is America degraded by this conduct, and by this condition? Has Washington debased himself by his temper and moderation? Has he sunk his character, and made himself contemptible in the eyes of the high-spirited statesmen of Europe? Will the noble lord attempt to prove this; or will he abandon his instance and his argument? The conduct of the French, in sending such a missionary as Genet to America, is brought by him as the strongest proof of the enmity of the French to the peace and existing governments of all nations, and of the necessity of all nations uniting against them; and the behaviour of Genet himself is stated as an outrage too gross for human patience to submit to; and yet the *selfish* American senate, confiding in the good sense of their fellow citizens, conscious of never having betrayed their trust, and looking only to the interests of the people they represented, found no cause for war or quarrel in the novelty or madness of French principles; and the *mean* Washington felt no personal resentment at insults which did not provoke, because they could not degrade him. Such has been the event of two great nations, viewing the same circumstances in a different temper and with different sensations. Both had been equally insulted by this new presumptuous republic; in the bosoms of both, attempts had been equally made to spread the doctrines of that republic; both were equally interested in the preservation of the principles of civil order and regular government; yet owing to the different councils that directed these two nations, the Americans are, at this moment, the undismayed, undegraded, and unembarrassed spectators of the savage broils of Europe, while we are engaged in a struggle, as we have been this day distinctly told by our ministers, not for our glory or prosperity, but for our actual existence as a nation!

The next point from Brissot's pamphlet, dwelt upon by the noble lord, as a farther proof that the French had always intended to make war against us, was, that the minister Monge had promised, as early as October, to have thirty ships of the line at sea from Brest in April, and fifty in July; but this, it seems, was happily prevented by the vigorous measures of the British ministry; and if our ministers had not taken the steps they did, the no-

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ble lord tells us, by the by, that they would have deserved to have been whipped as school-boys, or hanged as traitors. And what were these vigorous exertions which these vigilant ministers took? Forsooth, they stopped two corn ships in the river Thames, destined for France; this, it seems, totally defeated the equipment of these fifty ships of the line! But here let me ask the noble lord how it came to pass, if our ministers had such intelligence as early as October, that no naval preparations were commenced on our part till the month of February? For this fact has been admitted by him in another part of his speech, and the lateness of our equipment has been pleaded by him with another view, forgetting that there cannot be a stronger charge brought against his friends, and that they do indeed deserve to be whipped as school boys, or hanged as traitors, if, after receiving intelligence of the French preparations so early as October, they neglected, as in fact they did, all precautions on the part of this country, excepting the notable and powerful expedient of plundering two neutral sloops of a few sacks of French corn! However, laying aside the merit or demerit of our minister, no proof to the noble lord's purpose arises out of this threat of the minister Monge. The noble lord confesses himself, that no part of the promise was kept: it was, in fact, a natural gasconade of the French admiralty, at a time we were insulting them; and that the execution of such an equipment was not attempted, is much stronger evidence of their not having intended to break with us, than their having made the boast is of a contrary determination. But it is unfortunately the interest of the cause the noble lord is supporting, to refer, on all occasions, to words rather than to facts.

The noble lord, still pursuing his authority, Brissot, quotes that author's recommendation to the English of a pamphlet of Condorcet's, addressed to our parliamentary reformers, who encourages us, it seems, to proceed, to disregard numbers, assuring us, (being well informed doubtless of our object) that "Revolutions must always be the work of the minority: every revolution is the work of a minority: the French revolution was accomplished by the minority!" Nay, according to Brissot, it was the work of not more than twenty men! Such is the exertion that arises from the confidence of those who look to spirit and energy alone for success, and not to numbers! If this be true, it certainly is a most ominous thing for the enemies of reform in England; for if it holds true of necessity, that the minority still prevails in national contests, it must be a consequence that the smaller the minority, the more certain must be the success. In what a dreadful situation, then, must the noble lord be, and all the alarmists! for never, surely, was the minority so small, so thin in number, as the present. Conscious, however, that M. Condorcet was mistaken in our object, I am glad to find, that we are terrible in proportion as we are few; I rejoice, that the liberality of secession, which has thinned our ranks, has only served to make us more formidable. The alarmists will hear this with new apprehensions; they will, no doubt, return to us, with a view to diminish our force; and encumber us with their alliance, in order to reduce us to insignificance. But what has the nonsense any French pamphleteer may have written, or the notions he may have formed of the views of parties in this country, to do with the question; or how can it be gravely urged, as a proof of the determination of the French people to attack us? The noble lord having gone through this part of his detail, triumphantly asks, whether he has not established his point, and proved the hostile mind of France, and that the object of all her parties, was war with England? To which I answer, that he has proved nothing like it, and that two-thirds of the instances he has adduced have a tendency to prove the contrary. But instead of diving for their purposes in the random words of their orators, in the more flighty controversies of their party writers, or even in the hasty and incoherent reports of their committees, let us look to acts and facts; let us examine fairly the conduct of Great Britain towards France, and of France towards Great Britain, from the 10th of August to the declaration of war. Here Mr. Sheridan enumerated the various circumstances which showed the growing inveteracy of Great Britain, from the first of the revolution to the time of the king's death, the countenance given to the treaty of Pilnitz, the withdrawing of our minister from Paris, the seizure of French property in neutral vessels, the banishing of French subjects, the violation of the treaty of commerce, and finally, the dismissal of their ambassador; all which, he showed

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had been borne by the French, with a submission which nothing but their desire of peace with this country could have produced, amidst the fury and pride which actuated their conduct towards all the rest of Europe. They solicited, they expostulated, they pressed for explanation and negociation; and even after their ambassador had been driven from this country, they sent a new negociator; nor did the sincerity of their professions for peace with us depend on words alone; for to preserve this object, they actually abstained from the invasion of Holland, when within their grasp, when their arms appeared irresistible, and success inevitable. Every fact spoke aloud that we forced France into the quarrel. Which party first said the words "We are at war," is a matter of trivial and childish distinction; nor do I in this place mean to argue that Great Britain was wrong in so preferring a state of open war against France, and joining in the general confederacy against her; nay, I will, for the present, grant that it was a war of sound sense, policy, and justice, but still it was a war of choice on the part of Great Britain; and from that responsibility, the minister never can, nor shall, disengage himself.

Embarked, however, as we are in the war, it must, no doubt, be a matter of astonishment to many gentlemen, to find the advocates of ministers so eternally labouring the proof of France having been the aggressor. The prominent point for the present discussion seems rather, under our circumstances, to be, how shall we end the conflict, whoever began it; or if peace cannot be had, how we shall prosecute the war with vigour and success. But the object of these gentlemen, in recurring to the other ground, is obvious. They will not hear of peace; they do not wish for it; and finding themselves feeble in argument, to show that the country ought to be of their opinion, they endeavour to establish a belief, that it is France who does not wish for peace with us; and this they think they do establish, by proving, that is, by asserting, that it was France who provoked the war. If the war commenced in self-defence and necessity on our part, self-defence and necessity must continue it. They would evade the question, whether it is our interest to have peace, by arguing, that it is not in our power; from this delusion, it is of the utmost importance that the public mind should be rescued. All the professed objects for which we went to war have been obtained; our ally, Holland, is safe; Brabant is recovered; the ideas of adding to the extent of their own country, or of interfering in the governments of others, but as measures of warfare and retaliation have been unequivocally disavowed by the present government of France; and notwithstanding all their lofty boasts and insulting threats, which are, in truth, the mere retorts of passion, to our vile declamations against them, there is no question but that they would be ready to treat with us, or with any of the allied powers, tomorrow, simply upon the principle of being left to the exercise of their own will within their own boundaries. Let the experiment be made; if they prefer war, then the noble lord will have some reason to maintain, that their minds were always disposed to that measure, and that war could not have been avoided on our part. But till then, I am astonished that the minister who sits near the noble lord, does not feel it necessary to his own dignity himself to oppose this paltry argument. When he hears this called a war of necessity and defence, I wonder he does not feel ashamed of the meanness which it spreads over the whole of his cause, and the contradiction which it throws among the greater part of his arguments. Will he answer this one question distinctly? If France had abstained from any act of aggression against Great Britain, and her ally Holland, should we have remained inactive spectators of the last campaign, and left the contest to Austria and Prussia, and whatever allies they could themselves have obtained? If he says this, mark the dilemma into which he brings himself, his supporters, and the nation. This war is called a war unlike all other wars that ever man was engaged in. It is a war in which the interests of individual nations is absorbed in the wider consideration of the interest of mankind: it is a war in which personal provocation is lost in the outrage offered generally to civilized man: it is a war for the preservation of the possessions, the morals, and the religion of the world: it is a war for the maintenance of human order, and the existence of human society. Does he then mean to say, that he would have sat still, that Great Britain would have sat still, with arms folded, and, reclining in luxuriant ease on her commercial couch, have remained an unconcerned spectator of this mighty conflict, and have left the cause of civil order, government,

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morality, and religion, and its God, to take care of itself? Or to owe its preservation to the mercenary exertions of German and Hungarian barbarians, provided only that France had not implicated Great Britain by a special offence, and forced us into this cause of divine and universal interest by the petty motive of a personal provocation? He will not tell us so; or, if he does, to answer the purpose of the hour, will he hold the same language to our allies? Will he speak thus to the Emperor? Will he speak thus to the king of Prussia? Will he tell them, that we are not volunteers in this cause? That we are in confederacy with them, only to resent a separate insult offered to ourselves, which, redressed, our zeal in the cause, at least, if not in our engagements to contnue in the alliance, must cease? Or if he would hold this language to those powers, will he repeat it to those lesser states whom we are hourly dragging into this perilous contest, upon the only plea by which such an act of tyrannical compulsion can be attempted to be palliated, namely, that a personal ground of complaint against the French is not necessary to their enmity; but that as the league against that people is the cause of human nature itself, every country where human feelings exist, has already received its provocation in the atrocities of this common enemy of human kind. But, why do I ask him, whether he would hold this language to the Emperor or the king of Prussia? The king of Prussia, Sir, at this moment tells you, even with a menacing tone, that it is your own war, he has demanded from you a subsidy and a loan; you have endeavoured to evade his demand, by pleading the tenor of your treaty of defensive alliance with him, and that as the party attacked, you are entitled to the whole of his exertions? He denies that you are the party attacked, though he applauds the principles upon which you are the aggressor; and is there another power in Europe to whom our government will venture to refer the decision of this question? If what I now state is not the fact, let me see the minister stand up, and contradict me. If he cannot, let us no longer bear that a fallacy should be attempted to be imposed on the people of this country, which would be treated with scorn and indignation in every other corner of Europe. From this hour, let him either abandon the narrow ground of this being a war of necessity, entered into for self-defence, or give up the lofty boast of its being a war of principle, undertaken for the cause of human nature.

Still, still, however, be the war a war of necessity or choice; of defence, or of principle, peace must some time or other be looked to. True; but in the present state of France, first, it is contended, that no means of negociation can be found; and, secondly, that even if you negociated and agreed, no security for the performance of the agreement is to be had. An hon. member has given it as his opinion, that we, who recommend peace, ought to point out the means by which ministers may commence and carry on a negociation. With submission, I should rather have thought it a fitter proceeding, that those who embark a nation in a war for a specific purpose, should be called on to point out the probable means of obtaining the end proposed: but no such thing. Ask them, what their end is, or how to be obtained? The constant answer is, no matter: the war is a just war, and it is impossible to treat for peace; we know not even how to set about it; and, with this answer, we must be content to persevere in a pursuit, which all experience has proved to be ruinous, in order to obtain an object which no man attempts to prove to be practicable. The noble lord, however, does not lay so much stress on the impossibility of our treating for peace under the present circumstances, as upon the improbability of such a peace being safe or permanent. What security can we have for the continuance of a peace made with such a goverment as that of France? The factions of to-day are supplanted by others to-morrow; the rulers of the hour pass in succession from the tribune to the scaffold; there is nothing permanent in their system. Granted. And what then are you waiting for before you will treat? Is it simply that you will have some person on a throne in France? Some first magistrate, with the name of king, be his power what it may, before you will enter into any negociation? I suspect that this idea is obstinately rooted in the minds of some persons. It is not, however, avowed; on the contrary, our own proclamations declare, that though the re-establishment of monarchy in France would be a soothing and conciliatory circumstance, it is not an indispensable preliminary to the re-establishment of peace. What, then, is the desideratum? A stable and responsible system of government of

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some sort or other, that would give a reasonable expectation of duration and security to peace, when established. I ask, is any change which our arms are likely to produce in France, likely to produce such a government? The form of it we are not to prescribe. Where are the men we hope to see come forward? We commenced with reprobating and reviling La Fayette, Rochefoucault, and the whole party of reforming royalists. Brissot and the republicans of the 10th of August overthrew and destroyed that party. We may boast of having assisted Robespierre and Danton in the destruction of Brissot and those republicans. Robespierre and Danton now possess the lead. Are you waiting till such men as Hebert and Chaumette shall have destroyed Robespierre and Danton? Would such a change give you the stable, responsible, and trust-worthy government you desire? or do you see any class of men still under them, which in the revolution of enormities gives you a fairer promise of your object? No man will hold out such an expectation. Whence, then, can arise the sort of government with whom you would condescend to treat? I affirm from one only possible source; from a general reformation in the public mind of France, founded on a deep sense of their calamities, and a just abhorrence of their past crimes. Then will cease their bloody internal enmities; then will cease the selfish, factious contests of their leaders; then will cease their revolting system of plunder, rapine, and impiety; then, in other words, will be established, their Republic on the immortal and unconquerable principles of wisdom and of justice, which, without diminishing the invincible enthusiasm which even now animates their military exertions, will supply those exertions with copious and unperishable resources; and then truly, we shall have no objection to acknowledge them as a nation, and to treat with them. Admirable prudence! Consummate policy! While the certain seeds of internal discord, weakness, and dissolution, are sown among them, and are checked in their rank growth only by the counteraction of stronger feelings against the foreign enemies that surround them, we will not stoop to treat, because we cannot have security for the future; but if fortunately our perseverance in assailing them shall at length eradicate all that is vicious and ruinous in their internal system, strengthening, as at the same time it must, the energies and solidity of their governments, then our pride will abate, respectful negociation will follow, and a happy peace may be concluded—a happy peace, when the best terms must leave us, in future, for ever at their mercy! This I contend must be, if not the object, the result of waiting for that stable, responsible, and trust-worthy government in France, which the noble lord demands; unless, as I said before, the operative, though not the avowed motive, for the war is simply to establish a monarchy in that country, or perish in the attempt.

Leaving the origin and object of the war, our attention is next called to the great progress that has been made by the allies since we entered into the confederacy! Our success has been such, it seems, that we ought to proceed, be the object what it may. First, the noble lord asks, with a triumphant air, whether France is not in a much worse condition than at the beginning of the campaign. Unquestionably she is; she has lost some hundreds of thousands of lives, and exhausted many millions of resource: and what is more, Sir, all Europe is in a worse condition, for the same reason. But I demand an answer to a question more to the purpose, and in truth the only question which belongs to the argument. I ask, if there is any one man in this House, or out of it, who thinks that the allies are nearer to the object they had in view, than they were at the beginning of the campaign? Let this question be fairly and honestly answered before we madly goad this nation to new exertions, and load our fellow subjects with new burdens. I meet the noble lord in his review of the state of the allies and of France at the commencement of the campaign, and at the present hour; but I enter into that review with the object I have stated before my eyes, and not to strike a balance on little petty successes which conduce nothing to the main purpose.

Previous to the close of the last session, my right hon. friend (Mr. Fox) renewed by a motion in this House,* his exhortation to government to treat for peace. We had then achieved all the avowed purposes for which we went to war. Holland was safe, the opening of the Scheldt out of the question, the enemy was even driven out of Brabant, we had succeeded in the West Indies, Tobago

*. See p. 994 of the present Vol. xxx.

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was taken, and lord Hood had sailed to the Mediterranean, with a force sufficient to ensure the superiority of the British flag in that quarter. Yet all these advantages, now so vauntingly enumerated, were then held as trifles; they were treated comparatively as insignificant matters, and nothing but some important, decisive blow against the common enemy, which the power of the allies in the ensuing campaign was certain to effect, could make it prudent to think of peace. What has that campaign produced? The surrender of Condé, Valenciennes, and Quesnoi; the repossession of Mayence, and the partial destruction of the marine at Toulon. Compare this with our boasts, our exertions, and expectations, and with what has been gained to the cause of France. First, the very corner stone on which the hope of the most sanguine rested was, not (for they had before their eyes the experience of the duke of Brunswick's former campaign) the vigour and probable impression of the invading arms; but the zeal, the numbers, and the fury of the royal party in France, then roused at once to action by their monarch's recent execution, and encouraged by the indignation and horror which that event appeared universally to excite. Where now is that royal party? Where is the hope which pointed to their banners? They rose indeed, and every thing that courage, vengeance, and despair could dictate, they attempted. Long and fruitlessly, they looked to the allies for assistance; at length the voice and the flag of Britain cheared their hearts, and rouzed their efforts; would, for the honour of Britain, we could bury the event in silent shame, and in the graves of the poor mangled victims of their own delusion and our professions! If there yet exists an eagerness for a royal crusade in England, will the British arms ever insult again the coasts of Brittany or Provence, with the offer of their protection? If there yet remains a remnant of a royal party in France, will Toulon and Noirmoutier ever be forgot? The great body of the French royalists is destroyed, annihilated, and with them the very strongest ground upon which we built our first expectations of success.

The next point most relied upon by the eager advocates for the war, was the state even of the republican parties in Paris. Two factions equally anti-monarchical, but actuated by the most fell and deadly animosity towards each other, ruled, severed and dispirited the French people. By the furious contest of the leaders of these parties, the attention of the nation was engrossed, their efforts were enfeebled, their exertions shackled, and their hopes dismayed. Observers in all parts looked for a speedy and open conflict between them, and it was confidently and reasonably expected, that the event of that conflict would inevitably be savage and extensive civil war. This expectation was among the foremost of the resources of the allies. What has happened? To the astonishment of the world, one of these parties, apparently the most feeble, has not merely subdued but extinguished the other; subdued them almost without an effort, and extinguished them without even an attempt made to avenge them, while the conquering party appear from that hour to have possessed not only more power, more energy, and more confidence, than any of their predecessors since the revolution, but even a vigour and fascination of influence and authority unparalleled in the history of mankind. This reliance, therefore though reckoned on at the commencement of the campaign as a host of hope, is also gone.

Again, we were told, that the system of disgusting, cashiering, and destroying all the old-experienced officers, must create insubordination and mutiny in the army, and ultimately bring down the vengeance and indignation of the soldiers upon the Convention, and establish a military tyranny. Here again has ordinary speculation been foiled. The most victorious and popular generals have been arrested at the head of their troops; a commissioner from the Convention tells the armed line, that it is his will;—and, incredible as it may appear, there scarcely has been a single instance of a military revolt against any of their decrees. All argument, therefore, that armies must in their nature disdain the control of such an assembly, must, however reluctantly, be given up, and to that fallacious expectation, we can look no more.—But the means even of supporting these armies, we were told, could not continue through half the campaign. Arms, ammunition, cloathing, money, bread, all would speedily fail. The prediction unfortunately has failed in every particular. But if our negative resources, and our hopes of cooperation in France have all disappointed us, I presume we shall find a full com-

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pensation in the increased strength and spirit of the grand alliance. Let us see.—What was the state of the allies when we entered into the confederacy? The force of Austria unbroken, though compelled to abandon Brabant, and the power of the veteran troops of Prussia, absolutely untried, though the seasons and disease had induced them to retire from Champaigne. What is their state now? Defeat has thinned their ranks, and disgrace has broken their spirit. They have been driven across the Rhine by French recruits, like sheep before a lion's whelp, and that not after the mishap of a single great action lost, but after a succession of bloody contests, of unprecedented fury and obstinacy. Where now is the scientific confidence with which we were taught to regard the efforts of discipline and experience, when opposed to an unrestrained multitude and unpractised generals? The jargon of professional pedantry is mute, and the plain sense of man is left to its own course. But have the efforts of our other allies made amends for the misfortunes of these two principles in the confederacy? Have the valour and activity of the Dutch by land and sea exceeded our expectations? Has the Portuguese squadron lessened the extent and lightened the expense of our naval exertions? Have the Italian states, whom we have bribed or bullied into our cause, made any very sensible impression upon the common enemy? Has our great ally, the empress of Russia, contributed hitherto any thing to the common cause except her praises and her prayers? Are all or any of them in better spirits to act, or fuller of resource to act effectually, than they were at the commencement of the last campaign? But let me throw all these considerations aside, each one of which, however, would singly outweigh the whole of the advantages placed in the opposite scale as gained by the allies, and let me ask, is it nothing that the great and momentous experiment has been made, and that a single nation, roused by a new and animating energy, and defending what they conceive to be their liberty, has proved itself to be a match for the enmity and the arms of the world? Is the pride which success in such a conflict has given to the individual heart of every man who has shared in it, to be estimated as nothing? Are the triumphs and rewards which the political prodigality of their government heaps on the meanest of the ranks who suffer or distinguish themselves in their battles, fruitless and of no effect? Or, finally, are we to hold, as a matter of slight consideration, the daring and enthusiastic spirit solicitous of danger and fearless of death, which gradually kindled by all these circumstances, but which has now spread with electrical rapidity among such a race of people, so placed, so provided, and so provoked? Be he who he may that has reflected on all these circumstances either singly or in the aggregate, and shall still say that the allies are at this moment nearer the attainment of their professed object than at the commencement of the last campaign, I say that man's mind is either clouded by passion, or corrupted by interest, or his intellects were never straightly framed.

The noble lord, however, though not inclined to over-rate the enemy, seems to have been aware that he might be driven to admit the magnitude of their exertions, and that it would be difficult to deny the efficacy of them. But that we may not be dispirited, he has a solution ready for all this; both their exertions and their success are forced and unnatural. Another hon. gentleman indeed has told us, that if we had had only the real resources, and the real spirit of France to contend with, we should have conquered them long ago. It may be so; but the worst of it is, they will not suffer us to prescribe to them the sort of spirit, and the kind of resources we should choose to contend with. This may be very unhandsome; but there is no remedy for it. They have, it is true, a great force, says the noble lord, but it has not a sound foundation. They have a full public treasury, but their prosperity is unsound. The people obey the government, but the ground of their submission is unsound; in short, he takes great pains to prove to us, that they ought not in reason or nature to make the stand which they have done, and that they have no right to beat their enemies in the manner which they have. Their government, he undertakes to demonstrate, is calculated to produce no such effects. It reminds me of the story of a tradesman, who had a very admirable time-piece made by a person who had never learned the business, and neither knew it mechanically, nor scientifically. A neighbouring clock-maker, exasperated at this intrusion of natural genius, took great pains to convince the owner that he ought to turn his clock out of doors. It was in vain that

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the man assured him, that it went and struck truly; that he wound it up like other clocks; and that it told him the hour of the day precisely. The artist replied, that all this might be very true, but that he could demonstrate that it had no right to go like other clocks, for it was not made upon sound principles. The contest ended in his cajoling the poor man to part with his time-piece, and to buy from him, at three times the cost, a clock that did not answer half as well. I wish the noble lord would attempt to make a similar impression upon the French, and could prevail upon them to listen to him. I wish he could convince them that this revolutionary movement of theirs, which, however, unskilfully and unmethodically put together, appears so strangely to answer their purpose, is an unworthy jumble of ignorance and chance; and that they would be much better off, if they would take a regular constitution of his choosing. If he could effect this, I should think his rhetoric well employed, and our chance of succeeding against them infinitely increased, otherwise his arguments and demonstrations on the subject here, are the idlest waste of breath possible. Experience and facts contradict him, and we smart under them.

In corroboration of his general position, the noble lord next details to us, the manner in which they have either neglected or oppressed their commerce. I have no doubt but that all he has stated on this subject is true, and that they have done it possibly upon system. I should not be surprised to hear that some distinguished senator in that country, with a mind at once heated and contracted by brooding over one topic of alarm, had started up in the Convention, and exclaimed, "perish commerce, live the constitution;" nor more should I be surprised to learn, that the mass of the people, bowing to his authority, or worked on by fictitious alarms and fabricated rumours, of plots, seditions, and insurrectious, should have improved upon this patriotic exhortation; and agreeing that their constitution was certainly to be preferred to their commerce should have conceived that they could not thoroughly show the fervour of their zeal for the former, so well as by an unnecessary sacrifice of the latter. Whether the hint of this notable axiom was taken from the expressions of any enlightened member of our own commercial senate, or whether it was imported into this House from France, is what I cannot take upon me to decide. The only result worth our consideration is, that however their neglect of commerce may have abridged them of the luxuries and even comforts of life, it has not hitherto curtailed them in the means of military preparation, or slackened the sinews of war.

The next proof of the "unsoundness" of their condition is to be looked for in the enormous taxes and contributions raised upon the people. The noble lord has summed up his laborious statements upon this subject, by informing us that every man of 400*l.* a year, is obliged to give up 220*l.* of it to the public, in which case the noble lord, with great arithmetical accuracy assures us that he retains but 180*l.* for himself, (the only conclusion throughout his speech in which I implicitly agree with him), and people of greater incomes it seems, are called on to do the same. Now again I give the noble lord his facts, but again I accompany my assent with a plain question: Do the people submit to make these sacrifices? He has not attempted to dispute their universal acquiescence. What, then, do his facts prove? What, but that so devoted are the whole people of France to the cause which they have espoused, so determined are they to maintain the struggle in which they have engaged, so paramount and domineering is the enthusiastic spirit of liberty in their bosoms, so insignificant comparatively all other pursuits and considerations, and finally so bitter and active their animosity against the conspiring powers which surround them, that individual property has ceased to be regarded even by the possessor, but as subsidiary to the public cause, and the government which has demanded these unprecedented sacrifices, yet retains its power, and does not appear to have impaired its popularity.

This system of exaction is "tremendous," says the noble lord; it is so, but to whom? to those who have to fight with such a people. He ought, however, in fairness, to have stated also, that these sacrifices and these exactions are to expire when peace has closed the struggle in which alone they originate, and the end is attained for which alone they are tolerated: till then unquestionably, the whole country of France is regarded as one great fortress in a state of siege. To tell us how little respect to private property, commer-

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cial principle, or personal privilege is attended to in such a state, is to prattle childishly; prove to us, that the iron hand of violence and necessity which has barred the course of justice and beat down all the security of private right throughout that besieged land, does not at the same time assist the one great object which is dearest to the general heart,—successful resistance to the besiegers.

The noble lord, however, not content with the unfairness of overlooking all the circumstances which imperious necessity must inevitably impose upon a country circumstanced as France is, thinks it fair and candid to contrast the proceedings of their Convention on the subject of supply and finance with the proceedings of the British minister, and of the British parliament! We, it seems, assist commerce instead of oppressing it. We lend the credit of the public exchequer to our private merchants: and for the means of carrying on the war, not even voluntary contributions are expected, unless it be in little female keepsakes for the army, of gloves, mittens, nightcaps and underwaistcoats. Certainly, the contrast between the French means of supply and ours is obvious, and long may it continue so! But the noble lord pursues his triumph on this subject too far; not content with simply alluding to it, which one would have imagined would have answered all his purposes, he endeavours to impress it more forcibly on our minds, by making a regular speech for our chancellor of the exchequer, and exultingly demanding what we should say, if his right hon. friend (Mr. Pitt), were to come down and propose to the British parliament, such ways and means as the minister of finance in France is compelled to resort to? What should we think if he were to rise and propose, that all persons who had money or property in an unproductive state should lend it without interest to the public? If he were to propose, that all who had saved incomes from the bounty of the state should refund what they had received? What, finally, if all persons possessing fortunes of any size, were called upon to give up the whole during the war, or reserve to themselves only the means of subsistence, or at the utmost 180*l.* a year? Upon my word, Sir, I agree with the noble lord, that if his right hon. friend were to come down to us with any such proposition, he would not long retain his present situation. And with such a consequence inevitable, he need not remind us, that there is no great danger of our chancellor of the exchequer making any such experiment, any more than of the most zealous supporters of the war in this country vying in their contributions with the abettors of republicanism in that. I can more easily fancy another sort of speech for our prudent minister. I can more easily conceive him modestly comparing himself and his own measures with the character and conduct of his rival, and saying, "Do I demand of you, wealthy citizens, to lend your hoards to government without interest? On the contrary, when I shall come to propose a loan, not a man of you to whom I shall not hold out at least a job in every part of the subscription and an usurious profit upon every pound you devote to the necessities of your country. Do I demand of you; my fellow placemen and brother pensioners, that you should sacrifice any part of your stipends to the public exigency; on the contrary am I not daily increasing your emoluments and your numbers in proportion as the country becomes unable to provide for you? Do I require of you, my latest and most zealous proselytes, of you who have come over to me for the special purpose of supporting the war,—a war on the success of which you solemnly protest, that the salvation of Britain, and of civil society itself, depend—Do I require of you, that you should make a temporary sacrifice in the cause of human nature of the greater part of your private incomes? No, gentlemen, I scorn to take advantage of the eagerness of your zeal, and to prove that I think the sincerity of your zeal and attachment to me need no such test, I will make your interest co-operate with your principle; I will quarter many of you on the public supply, instead of calling on you to contribute to it, and while their whole thoughts are absorbed in patriotic apprehensions for their country, I will dextrously force upon others the favourite objects of the vanity or ambition of their lives."

Sir, I perceive that the House feel that I have made a speech more in character for the right hon. gentleman, than the noble lord did; that I have supposed him simply to describe what he has been actually doing: but I am much mistaken, if they do not at the same time, think it rather indiscreet in the noble lord to have reminded us of such circumstances. Good

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God, Sir, that he should have thought it prudent to have forced this contrast upon our attention! that he should triumphantly remind us of every thing that shame should have withheld, and caution would have buried in oblivion! Will those who stood forth with a parade of disinterested patriotism, and vaunted of the sacrifices they had made, and the exposed situation they had chosen, in order the better to oppose the friends of Brissot in England —will they thank the noble lord for reminding us how soon these lofty professions dwindled into little jobbing pursuits for followers and dependents, as unfit to fill the offices procured for them, as the offices themselves were unfit to be created. Will the train of newly titled alarmists, of supernumerary negociators, of pensioned paymasters, agents and commissaries, thank him for remarking to us how profitable their panic has been to themselves, and how expensive to their country? What a contrast, indeed, do we exhibit! What! in such an hour as this, at a moment pregnant with the national fate, when, pressing, as the exigency may be, the hard task of squeezing the money from the pockets of an impoverished people, from the toil, the drudgery of the shivering poor, must make the most practised collector's heart ache while he tears it from them, can it be, that people of high rank, and professing high principles, that they or their families should seek to thrive on the spoils of misery, and fatten on the meal wrested from industrious poverty? Can it be, that this should be the case with the very persons who state the unprecedented peril of the country as the sole cause of their being found in the ministerial ranks? The constitution is in danger, religion is in danger, the very existence of the nation itself is endangered; all personal and party considerations ought to vanish; the war must be supported by every possible exertion, and by every possible sacrifice; the people must not murmur at their burthens, it is for their salvation, their all is at stake. The time is come, when all honest and disinterested men should rally round the throne as round a standard —for what? ye honest and disinterested men, to receive for your own private emolument, a portion of those very taxes which they themselves wring from the people, on the pretence of saving them from the poverty and distress which you say the enemy would inflict, but which you take care no enemy shall be able to aggravate. Oh! shame! shame! is this a time for selfish intrigues, and the little dirty traffic for lucre and emolument? Does it suit the honour of a gentleman to ask at such a moment? Does it become the honesty of a minister to grant? Is it intended to confirm the pernicious doctrine so industriously propagated by many, that all public men are impostors, and that every politician has his price? Or even where there is not principle in the bosom, why does not prudence hint to the mercenary and the vain to abstain a while at least and wait the fitting of the times? Improvident impatience! Nay, even from those who seem to have no direct object of office or profit, what is the language which their actions speak? The throne is in danger! we will support the throne; but let us share the smiles of royalty: the order of nobility is in danger! I will fight for nobility, says the viscount, but my zeal would be much greater if I were made an earl. Rouse all the marquis within me, exclaims the earl, and the peerage never turned forth a more undaunted champion in its cause than I shall prove. Stain my green ribbon blue, cries out the illustrious knight, and the fountain of honour will have a fast and faithful servant. What are the people to think of our sincerity? What credit are they to give to our professions? Is this system to be persevered in? Is there nothing that whispers to that right hon. gentleman, that the crisis is too big, that the times are too gigantic, to be ruled by the little hackneyed and every-day means of ordinary corruption? Or are we to believe, that he has within himself a conscious feeling that disqualifies him from rebuking the ill-timed selfishness of his new allies? Just previous, indeed, to the measure which bespoke the pre-determination of our government for war, he deigned himself to accept a large sinecure place; even he, who at the commencement of his political career, lamented that he had fallen on times too good, too uncorrupt, to mark with effect the contrast of his own political disinterestedness, took to himself at the period I mention, a great sinecure office swelled by an additional pension, and both for life: the circumstance has never been commented on in parliament, though perhaps there are those who do not exactly think his public service underpaid by the remuneration. But if the acceptance of such a boon, at such a time, is to be regarded by him as

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a pledge and contract that he is never in future to consider himself entitled to an unpurchased support on the subject of this war, or to resist the mercenary claims of any proselyte which his arguments or his example may create—inauspicious, indeed, was the moment in which his own disinterestedness was surprised by the bounty of his sovereign, and far more lamentable to his country, the consequences of that gift, than advantageous to himself.

Can we too seriously reflect, that in the contest in which we are engaged, we have avowedly staked the being of the British empire? This *bellum internecinum*, as it was rashly named by those who advised, and into which I fear it has been more rashly converted, by those who have conducted it, is to be prosecuted at every risk. If we fail,—we fall:—so circumstanced, the hour may come, in which we may be compelled to look for a loftier spirit, a firmer energy, and a more enthusiastic attachment to the frame and form of our constitution, than ever yet has been demanded by our government from the people governed. Let the minister take care, if such an hour should come, that we do not look in vain. Let him take care that the corruptions of the government shall not have lost it the public heart; that the example of selfishness in the few, has not extinguished public spirit in the many. Let him not be too confident that his informers, his associations, his threats, his proclamations, or prosecutions, have driven from their post, or silenced the observations of those who honestly and lawfully watch the conduct of the king's servants in their stations, and of their own servants in this House, and who hold a corrupt collusion between them to be in itself an overthrow of the constitution. If we would have the people ready with one will, should the trying necessity arise, to risk and to sacrifice every thing for the safety of the constitution, and the independence of their country, let the high example come from those in high situations, and let it be as manifest as the danger, that no part of their subsistence has been wrung from them on a specious pretence, and applied in fact, to increase the wages of corruption, or swell the price of political apostacy.

But if neither public interest, nor political prudence, sway the mind of the right hon. gentleman, I wonder that a feeling of personal pride has not, in some measure deterred him from the selection he has made of the late objects of his patronage, his favour, and his confidence. What a compliment has he paid to all his former connexions and attachments! and in what a light has he held out their pretensions and abilities to the world! Possessing opportunity and sagacity to discern and estimate the claims of worth and talents, he has long been in a situation to attach to himself a numerous body of respectable friends, whose fortunate concurrence in his opinions has been both steady and uniform. Could he not find among them all, any persons fit for the many situations of trust and emolument which he has lately appointed to or created, or worthy the honours which he has recently advised his forgiving sovereign to bestow? No; it seems, that from this side of the House alone, the country could be properly served, or the favours of the Crown duly repaid! [Mr. Sheridan here recapitulated, and remarked on a number of favours, offices, and appointments, all bestowed on gentlemen lately in opposition; among these he alluded to lords Loughborough, Carlisle, Porchester, Hertford, Malmsbury, Yarmouth, sir Peter Burrell, sir Gilbert Elliot, Mr. Sylvester Douglas, Mr. Anstruther, Mr. John Erskine, &c. &c.] Was there ever, let me ask, a greater triumph than the list I have run through presents to those who yet remain on this side of the House, and who yet feel for the original credit of the party which these gentlemen have quitted? Of that coalition party, which has been so long and so vehemently traduced, both for its principles and its origin? Can it be, that this execrable coalition faction, which, in the year 1784, was accused by the very man who then was, and still is, minister, by all his adherents, and, through their arts, even by the country at large, of the most rooted malignity to the constitution of this kingdom, of endeavouring to enslave the House of Commons, to disgrace the House of Lords, to make a cypher of the King, and to introduce a fourth estate, which was to throw the power and patronage of the whole empire into their hands, and make their tyranny immortal—that this same party, who at the time of the Regency, were again accused, under the same authority, of being actuated by an insatiate love of office and emolument alone, and of basely preferring the views of their own selfish and rapacious ambition to every sentiment of loyalty, to the first privileges of the Commons, and even to the internal peace

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of their country—Can it be that this arraigned, proscribed, and reprobated party, so characterized and stigmatized by the right hon. gentleman and his followers, should have contained all the while within its ranks, the only men, who, when the trying hour of proof arrived, were fit to maintain the vigour of the constitution, assert the honour of the peerage, and prop the pillars of the throne? Oh! if this be so, what a lesson ought it to be to those who listen to the venal libels and calumnies of a ministerial press! What a warning to their credulity in future, when they recollect that these very gentlemen, to whom principally, it seems, the country is indebted for the detection of all the plots, conspiracies, and insurrections which so lately threatened the overthrow of the state, as well as for that salutary preventive against all future ills of the present war, that these very personages, were not only never excepted in the outrageous libels which so long assailed the party to which they so lately belonged, but were many of them the marked and principal objects of their venom and malignity! Trusting that such a lesson will arise from reflecting on this fact, I quit the subject; adding only, that I should much regret the being supposed to impute any sinister, or improper motives to the conduct of any of these gentlemen, or by any means to deny that the emoluments and honours they have received, were other than the consequences of their conversion to the superior wisdom and integrity of the present minister, and in no respect the allurements to that conversion; but still, Sir, I must take the freedom to observe, that in order to have prevented a doubt, in these mistrustful times, arising in the public mind upon the subject, from the odd concurrence of circumstances, and considering the pressure and magnitude of the plea, on which alone they have justified their separation from former and long cherished connexions, it would have been better both for their own credit, and as an example to the people, to have rendered it impossible even for malice to suggest any other inducement for the part they took, than a strong sense of public duty, and a clear and disinterested apprehension for the general safety. His majesty laments the burthens that are to be laid on his people, and yet ministers are thus lavish in courting, nay purchasing, deserters by the most shameful prostitution of the national treasure; I take it for granted that they have been forced thus to look to the other side, because the nursery for statesmen formed by the secretary of state opposite to them, has not yet reared a sufficient number of plants for the necessary consumption; I dare say, that though our Chiron is slow in his march, he will improve as he goes on; and perhaps this year we shall be called upon for an additional sum of money to turn the nursery into a hot-bed. It is said, that if we were desirous of making peace we have not the means. With whom shall we treat? I answer, with the men that have the power of the French government in their hands. I never will disdain to treat with those on whom I make war; and surely no wise nation ought to persevere in the idle disdain of a negociation with those that are a match for them in war. A right hon. gentleman opposite has said, that what made him first think of a negociation with America was, his looking at General Washington's army; he had looked at it on the right, on the left, on the centre, and according to his curious phrase, he could not accommodate himself any where. The same was surely true of France; we had tried it on all sides; on the South at Toulon, on the West by the Rhine, on the North by Flanders, on the East by our spying glasses, at St. Maloes, and we could no where be accommodated. But I see, notwithstanding our fatal experiment, we are doomed to go on, the fatal determination is taken, and there is no rational hope that the good sense and spirit of this House will reverse the decree.

Mr. Sheridan proceeded to a review of the proceedings of the campaign, to show that government had not displayed a single exertion becoming the dignity of the nation, or calculated either to maintain the splendour of our name and arms, or to accomplish the object of the war. There had been great misconduct on the part of those who had the power of directing our forces. No one vigorous exertion of prudence or wisdom had been made; however, fortune, in some respects, had been favourable to us. We fortunately escaped hostilities with America; the risk, however, of such an event was hereafter to be inquired into. For what purpose was a large fleet kept in the Mediterranean, after the capture of Toulon, while we wanted its assistance in other parts of the world—whilst a French frigate rode triumphant along the coast of America? And after the engagement between this and an

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English frigate, in which our gallant captain (Courtenay) lost his life, what must have been the feelings of the crew, to find that no vengeance has been taken for his death?—Mr. Sheridan showed, that even in the points of our attack, particularly at Toulon, Dunkirk, &c, &c. we had seen nothing but incapacity and blunder in the execution, as well as disaster in the event. These things must be the subject of parliamentary investigation. It was not enough that our precipitate retreat from Dunkirk was hushed up and compromised between the master-general of the ordnance and the first lord of the admiralty, because one of them was brother to the minister. And with respect to the transactions of Toulon, without stopping to inquire whether the destruction of the ships was consistent with the laws of war, he would demand by whose orders the constitution of 1789 was first offered to the people, and by whose orders that offer was broken to them; and it must be a subject of inquiry how lord Hood, who had so freely taxed general O'Hara with not keeping his word, had himself broken his word to the nation, about the strength and resistance of the place. The execution of the plan for the destruction of the ships he would prove, was mismanaged in all that depended on the part of lord Hood; for at the Babel council of the uncombined armies, an offer was made to undertake the destruction of these ships, which appears to have been accepted; and yet such an inadequate force was given for the purpose, as to oblige sir Sidney Smith to leave 15 ships of the line unconsumed. He reproached them also for the expedition of earl Moira, which was talked of so long as to deliver over all the unhappy royalists on the coast to massacre. The expedition of sir Charles Grey had been equally ruined by protraction; and with respect to the whole of our naval campaign, it was in vain to enter into the details; for no man could with truth assert, that we had any where presented a formidable aspect to the enemy. Of the conduct of the channel fleet he would not say one word; he was sure that the noble admiral had exerted his utmost talents in the service, though they all knew the industrious pains that had been taken to throw unmerited reproach upon him. That our trade had not been protected, the fact of the channel being now, or very lately, at the mercy of a few French frigates, was a most glaring proof. All these things he thought it a duty he owed his constituents to inquire into, that it might appear what our objects were in pursuing the present war, and what were the objects of our allies. From some late transactions, it was very evident, that our worthy allies had objects very different from what this country could possibly be supposed to have in view. He did not mean to propose any amendment; he should be inclined to support, however, any amendment that went to declare that this House ought to treat for a peace, whenever an opportunity for that purpose presented itself.

Mr. *Windham* defended lord Mornington against the accusation of not having spoken to the question. He had recapitulated the conduct of France in a manner so masterly, so true, and so alarming, as seriously to fix the attention of the House and the nation. The hon. gentleman who had censured the noble lord, had not, in some parts of his speech, confined himself to any question at all. Upon those subjects on which the hon. gentleman had confined himself to the question, he could not possibly agree with him. The hon. gentleman had warned the House to beware of continuing a war which he had described in terms of reprobation. But, was the war to be avoided? No: the hon. member adduced numerous arguments to prove it was not. For his own part, his mind was made up for war. During the last session, most gloomy pictures had been drawn, and prophecies announced of the misfortunes that were to ensue, which the progress of the campaign had falsified. There had, indeed, been a fluctuation of events; and if he were at present asked his opinion of those events, dating from the state in which we were six months ago, he would frankly own it might be called unsuccessful; though, if considered as it ought to be from the commencement, he should then affirm it was the very reverse. When we engaged in this war, Holland was menaced by Dumourier; Austrian Flanders was in the hands of the French; a gleam of success had encouraged them to assume the most insolent language; decrees menacing the subversion of every government in Europe were passed; and their conduct was as arbitrary as their decrees were insolent. In the course of one campaign the enemy had been driven out of Flanders, a barrier had been formed, their trade had been annihilated, their naval force effectually crip-

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pled at Toulon, and yet, it was said, we had suffered most in the war.—There were some people last year who entertained the most sanguine expectations that the war would be terminated in one campaign. Whatever our hopes might be of the speedy conclusion of the war, they should have been considered rather as wishes than well-founded hopes; because we had to contend with an enemy who, instead of having recourse to the usual means of carrying on a war, had taken measures which the most despotic monarch could never have thought of; they had seized not only upon all the property of the country, but had compelled the inhabitants, without distinction, to serve in their armies. Such measures must, for a moment, command success; but the exertions of this country were not to be depressed by such paroxysms of fury, which, though violent, could not be lasting.—The hon. gentleman had contended, that the enormities which had taken place in France were the consequences of the general attack of the combined powers; and added, that when they were baited, it was not surprising they should tear themselves. He was surprised to hear such language from gentlemen who last year told the House that the inevitable consequence of a war with France, would be to consolidate and unite the discordant parties in the common cause; but now gentlemen have found it convenient to change their language, and to attribute their excesses to the war.—Mr. Windham then adverted to the arguments used by gentlemen against our internal interposition in the affairs of France. He would not allow it to be true, that the interference of England had produced union and energy in France. It was the duty of other governments to interfere; for France was making war against all governments, all religion, and all principle. To war had all the crimes committed by the French been attributed; but crimes could exist, and factions could exterminate each other, without the aid of war. Since the Revolution, France had become the enemy of every government; for the monster was born with teeth. Flanders had groaned under the yoke of the French, during their short residence to those fruitful provinces, which had not only been pillaged, but obliged to conform to the revolutionary massacres of the invaders; though no people were more religiously devoted to their ancient forms, and the government of their progenitors, than the inhabitants of the Netherlands. How was it possible to preserve peace with the French, who found grounds of quarrel with every nation that dared to suspect the purity of their intentions? What nation had ever professed more peaceable principles of conduct; and what principles had ever been more productive of war? Why was the injustice of our interference with the internal government of France, so much insisted on? Let any man examine the conduct of these reformers, and deny, if he dare, the effervescence with which they interfere in the government of other nations. Mr. Windham urged the inability of Civilians to give theoretic rules sufficient for the regulation of nations in all cases, especially one so unforeseen as the present; and then cited Vattel, who had been quoted as unfavourable to the war, to show that nothing conclusive could be inferred from his authority in this instance. He had carefully studied the opinions of celebrated writers upon the laws of nations, with respect to internal interposition in the affairs of other countries; but those opinions were so general, and sometimes so contradictory, that authorities might be produced on either side of the question; but whatever might be understood as the binding law upon nations carrying on offensive war, yet he conceived that such regulations could not affect a nation sustaining a defensive war.—He adverted to interference in internal affairs, and demanded what must become of the balance of power without such interference; for he argued that the internal regulations of all countries did frequently, and those of France at present especially, affect the neighbouring powers. Who so precise, who so solemn, as the French had been in instituting rules? Who so apt at breaking them? The fate of the Brissotines too had been deplored; for his part he saw, it was true, that they did but "teach bloody instructions, which, being taught, returned to plague the inventor;" and that even-handed justice commanded the ingredients of the poisoned chalice to their own lips."

Nec lex est justior ulla
Quam necis artifices arte perire sua.

Brissot and his opponents were of the same stuff, a part of the same web. The energy of the French had been emphatically described; but if they were energetic, what ought we to be? Superior as our cause was, should we basely sue for peace, pro-

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claim our cowardice, and avow our inferiority? No, this was not the spirit of Britons; it became not their bravery, nor was it adopted in their practice. Never was there a period in which British arms had shone with greater lustre. Ought we then meanly to crouch in cowardice, and supplicate in despair? Besides, by submission we should only degrade ourselves, without obtaining present redress or future safety. It was now more than ever necessary to persevere in carrying on the war with unabating vigour.

Mr. Secretary *Dundas* said, that though he intended to have discussed the principle upon which the war had been commenced, and to have illustrated the propriety of this measure by the events which had marked its progress, yet, as the first of these subjects had been so ably explained to the House by the gentleman who had preceded him, and by a noble lord, in a manner that would not soon be forgotten, he would confine his observations to what had been asserted by an hon. gentleman (Mr. Sheridan) upon a subject more immediately connected with his situation, as a servant of the king. It had been said, that the efforts of administration, instead of corresponding with the energy and vigour required at this important crisis, had, in every respect, been deficient and remiss. The question for the House to consider was, whether, under all the circumstances of the case, the energy of the government, and the exertions of the army or navy, had ever, upon any former occasion, been greater, or perhaps equal, in the first campaign of any war? If they had been greater now, as the facts would show they had been, it was for the House to determine, whether a parliamentary inquiry into the conduct of ministers would be admissible, without any specific charge having been brought against them. The general allegations against ministers were, that they had been remiss, inactive, and had not brought forth the resources and strength of the empire at a crisis when the utmost effort was to be made. He need only obviate these accusations, by desiring any impartial man to examine the actual state of this country when it entered upon the war, and then to say, whether in the history of Great Britain, there had occurred a period in which the augmentations of the navy or army had been more rapid, or in which the efforts of officers had been more vigorous? The policy of the empire, which, at all times, has a reference to its resources, has during the time of peace, reduced the navy and army to as low a standard as the public service will admit of. Under this policy, the naval establishment of the kingdom, before the plan of hostilities adopted by France had been known, did not amount to more than 15,000 seamen; and the land forces, after deducting those which were necessarily employed in garrison in our foreign settlements and dependencies, did not amount to more than 9,000 effective men.—It was to be recollected, that the augmentation of our forces by sea depended upon the return of our commercial fleets from every quarter of the globe; that though we might, in any moment bring together a very respectable force, the navy of Great Britain must be progressively manned; and that it had been so in a manner unusually rapid, would appear from the fact; our seamen in the beginning of the year, were only 15,000; in the course of the war, 54,000 men had been added to this number. At the commencement of the war we had only 13 ships of the line and 30 frigates fit for service; at the present time, we had about 80 ships of the line, and 100 frigates in actual employ, which, with the armed vessels now in the service of the public, made the whole above 300 sail, employed against the enemy, and in protecting our trade. Notwithstanding these facts, the hon. gentleman had charged ministers with negligence and inactivity, and that with the force which they did possess, they had directed it without vigilance or attention: In answer, he would only refer to the period (8th February last) at which the war had commenced and then to the fact, that so early as the month of March, information had been received of a French squadron having sailed for the West Indies. A British squadron was therefore sent out to observe their motions. It was at this time uncertain whether the enemy had equipped this fleet for a West India voyage, or whether it was not intended to act against our own coasts; whether it was intended to be sent to the Mediterranean, to distress our allies, as well as our trade in that quarter; or whether, from the strange irregular character of the French government, the equipment had any precise object. About the 9th of March we had strong reasons to believe, that the French squadron was destined for the West Indies. Admiral Gardner, with a superior squadron, sailed

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for that quarter on the 24th of that month. At the same time, those who were declaiming against the war asserted, that the object of the French navy was, to cruize in the channel, with frigates and privateers, in the hope of making a rich booty of our trading ships. It was the duty of administration, therefore, to provide for both exigencies. Though ministers were correct in the doubts they entertained respecting the plan of the French government to send a fleet to the West Indies, yet admiral Gardner went to protect our valuable possessions in that quarter; nor were our efforts to clear the channel of the enemy's cruizers ineffectual.

At the same time information was received of the force of the enemy in the Mediterranean; a fleet, therefore, was sent to protect our property in that quarter, which upon a reasonable calculation, exceeded a million sterling. On the 22nd of May, the powerful fleet under lord Hood sailed for that sea, with the object of acting against the French fleet, of protecting our trade, and of affording defence to the various lesser states, whose coasts were exposed to the depredations of the enemy. It was necessary, at this juncture, to equip a large fleet for the channel. In proportion to the extent of our trade was the difficulty of fitting out armaments to protect it in every quarter. Our sailors, at this time, were scattered over the whole globe; our trading vessels were in the Mediterranean, on the coast of Africa, in the Baltic, on the coast of America, in the West, and in the East Indies. Under all these disadvantages, the preparations were made, and the service effected. It had been observed, that the safety of our commerce had been owing to chance; not to the wisdom or prudence of ministers. How this could be reconciled to an acknowledgment of the fact, that our fleets had returned in safety, notwithstanding the vigilance of our enemies, and the prophecies of our friends, it was for the hon. gentleman who had made the observation to explain.—He knew but two ways of protecting trade; one was, having large armaments at sea; another, having convoys for different fleets. Both these methods had been employed; and, considering all the circumstances of the case, our trade would be acknowledged to have been protected. Exclusive of the convoys for the protection of the coasting trade, not less than fifty fleets of merchantmen had gone from the ports of Britain to those of our colonies, or of foreign nations, under convoy, and not one ship that had sailed under convoy had been taken; yet, it was asserted, that trade had not been protected. The admiralty had done every thing, which the means of the country would enable them to do. If there was an event which threw greater lustre on the British name, it was the conduct of the fleet at Toulon, where, with only twenty sail of the line, lord Hood had detached a sufficient squadron, as a convoy for the homeward bound merchantmen from the Mediterranean, a service which was performed with complete success. His lordship, for ten days, with only thirteen ships of the line, had blocked up a fleet of more than twenty sail in that port, and was ready to give them battle on their own coast. Whether, therefore, we considered the protection of our trade, or the glory of the British arms, both had been equally attended to; and the small states of Italy, which had been threatened by our depredating enemy, had been sheltered under the wing of the British navy. —The blame which had been thrown on the noble lord who commanded the channel fleet, could by no means be reconciled to the conduct of that able officer. Had he not, on every occasion, sought to bring the enemy to battle; and had not the enemy, on every occasion, fled from it? Such was the fact respecting lord Howe, who was represented to have done nothing, unless it was to rendezvous at Torbay. That station, with respect to Brest, was equally fitted for naval achievements, and for the effectual protection of trade: and had, therefore, been fixed on as the best situation for watching the motions of the enemy, and for detaching cruizers to clear the seas of their frigates and sloops. The number of armed ships and vessels taken from the enemy since the commencement of the war, had been as follows; 2 from forty to thirty guns: 4 from thirty to twenty guns; 17 from twenty to ten guns: and 34 from ten downwards. We had indeed lost the Thames frigate; but her commander, in the conflict, had neither lost his character, nor tarnished his fame; on the contrary, he had eminently added to both.—Having thus taken a view of the naval and military exertions which have been made, Mr. Dundas adverted to the events in the war, which, though they did not alter the original destinations of our force, yet required immediate attention from government. When Toulon

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unexpectedly was put under the protection of lord Hood, every possible exertion was made to supply the garrison, and to maintain the advantage which this extent had afforded us. When, under such circumstances, we considered the low state of our military force at the opening of the war, and adverted to the calls upon us, from Holland in the first instance, and from the West Indies in the next, to which, from the commencement it had been resolved to send a powerful armament, it must be allowed, that our preparations and our efforts all corresponded to the danger with which we were menaced. Whatever differences of opinion might have been entertained at the commencement of the war, respecting the policy of the measure, when war was actually declared, the first object of consideration was the safety of our own possessions. We had to prepare against the danger to which they were exposed, and the event had proved, that the preparations were equal to the valuable end proposed by them. Much pains had been taken to vilify the expedition to Martinico, but without reason; as information had been received, that with 1,400 men, possession might be obtained of a considerable part of that island; and if we might judge from our reception at St. Domingo, the inhabitants of the other French islands wished for nothing more than to put themselves under the protection of his majesty. If we had been brought into the war, upon the most unjustifiable grounds, every opportunity was to be taken to secure indemnity for the outrages which had been committed by the perfidious Republicans. Hence the propriety of having a force in the West Indies. Good policy led us to form engagements with the proprietors of the French West India islands, and good faith demanded, that we should protect those, who were willing to become the subjects of Great Britain. Taking, then, a general view of the whole subject, and adverting to the aggression of the enemy, and to the importance of preserving the constitution, and dependencies of the empire, he concluded, that more had been done in the first year of this, than in the first year of any former war.

Mr. *Fox* rose and spoke as follows:—Notwithstanding, Sir, the lateness of the hour, I feel it incumbent upon me to trespass upon the attention of the House, by delivering my sentiments at some length upon a question in itself of the highest importance, and which, by the advocates for the prosecution of the war, has, in my opinion, been treated in the most confused and complicated manner. In the course of what I have to offer, I shall endeavour, if possible, to dissipate the mist, in which the subject has been studiously involved, and to call the attention of the House to what is the real state of the question. I shall once more endeavour to obtain an explicit declaration of the object for which we are engaged in war, that the people of this country may no longer be the dupes of artifice, and be made to believe that they are expending their money and their blood for one purpose, while in fact they are called upon to do so for another.

I hope that the noble earl (Mornington) will not deem me guilty of any incivility, if I say, that on this point the last few sentences of his speech, long and eloquent as it was, were much more to the purpose, and afforded more valuable information than all the rest. The noble lord has declared in explicit terms, "That while the present, or any other Jacobin government exists in France, no propositions for peace can be made or received by us." Such are his remarkable words, from which we are now, for the first time, to learn, that while the present government exists in France peace is impossible. Had these words been uttered last year, they would have rescued the nation from the degrading situation of having been drawn into the contest, step by step, of having been seduced by the arts of invective and delusion, and of having placed their confidence in men who did not blush to disguise the real motives of their conduct, and to disclose only such false pretexts as might tend to deceive and to mislead. We are thus at once to be betrayed and insulted, and after having been drawn into the war by artifice, to be told that we must persist in it from necessity. After having been made the dupes of false pretences, we are to be told that we are pledged to what those who have deceived us choose to lay down as principles, that we have now gone too far to recede; and that we must continue to carry on war because it is impossible to make peace.

Such, Sir, is the situation in which we are placed. But let us look to the conduct and declarations of ministers last year. The right hon. the chancellor of the exchequer, in the course of last session, although he deprecated the continuance of a Jacobin government, nevertheless de-

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cleared, that he would not consider that as a bar to a negociation, provided the objects then held out, namely, the safety of Holland, and the exclusive navigation of the Scheldt, could be secured. The right hon. gentleman went farther, he illustrated his doctrine by his practice; for he actually opened a negociation with persons deriving their powers from the then Jacobin government of France. What, then, became of the argument, that there could be no safety for neighbouring states, no security for the observance of any treaty, while such government was permitted to exist? Ministers had treated both with general Dumourier and with M. Chauvelin, and if, in consequence of such negociations, peace had then been preserved, what must now have become of that reasoning which is so studiously brought forward to show that peace is impossible, and which must have applied with equal force at that time as at the present moment. But I shall perhaps be told, that the appearance of negociation was merely fallacious, that its object was not to preserve peace, but the more easily to delude the people of England into a war. I shall perhaps, be told, that the preservation of peace was neither expected nor intended by ministers as the result of their negociations; and indeed in order to be convinced of this it is only necessary to look to the manner in which these negociations were conducted. The means which they employed will best prove how far they were sincere with respect to the end which they professed to have in view. Did not the insulting and haughty correspondence of lord Grenville with M. Chauvelin prove to the world that the British government had no wish to preserve peace? Did it not prove that they had begun a negociation which they had no intention to complete, that they were only seeking for pretences to reconcile the minds of the people to a war in which they had previously determined to embark? It now appears, that while they were so anxious to put the war upon the footing of protecting an ally, their object in reality was the subversion of the ruling power in France. Such were the arts by which they deluded this country into a ruinous war; such the false pretences which they set up in order to draw money from the pockets of the people for purposes in which they might otherwise not have been disposed to concur; and such the means which they employed to bring about a war, which they affirmed to be strictly defensive in its object!

Again, Sir, I will ask the question, though I own I shudder to hear the melancholy information; but if it be so, if the fatal die be cast, let not the country be left ignorant of its real situation; let it be unequivocally told, that we are engaged in a war which can have no termination till we have exterminated French Jacobinism, or, in other words, till we have conquered France. Is it at last decided, that we are to stake the wealth, the commerce, and the constitution of Great Britain, on the probability of compelling the French to renounce certain opinions, for which we have already seen that they are resolved to contend to the last extremity? If such is the case, dreadful is our situation; but let us at least be apprized of our danger. And such, indeed, must be the case, if the majority of this House have come over to that system of extermination which last year was supported only by a few individuals, actuated by that sanguinary spirit which is the consequence of excessive alarm, and which at that time ministers, from motives of policy, thought proper solemnly to disavow.

I admire, Sir, the eloquence of the noble lord's peroration, but I must own that I heard it with much less satisfaction, as I could perceive it not to be altogether new, and that the manner of it had been exactly borrowed from certain speeches and reports that have been made in the French convention. And I cannot help remarking, that, from a sort of fatality, those who profess the most violent detestation for the principles and modes of expression adopted by the French, are continually copying them in their sentiments and language. The noble lord asked what dependence could be had upon the religion of a Robespierre, the justice of a Cambon, or the moderation of a Danton? The answer of the French Convention to his majesty's declaration appealed in terms not decent to be mentioned in that House to the wisdom of one monarch, the good faith of another, and the chastity of a third. My hon. friend (Mr. Windham), in attempting to prove that the origin of the war was not imputable to this country, treated the established principles of the law of nations with as little respect as M. Genet, the French minister to the United States of America. My hon. friend said, that no dependence could be placed upon the authority of Vattel, with respect to the question of an interference in the internal affairs of other nations, and that arguments

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might be drawn from his work favourable to either side. He contended, that there might exist circumstances of such a peculiar nature, as to supersede authority, and preclude the application of established principles. Exactly in the same manner reasoned M. Genet; "I would throw Vattel and Grotius into the sea," said that minister, "whenever their principles interfere with my notions of the rights of nations." Just so, my hon. friend seems disposed to treat them whenever they controvert his ideas of those principles which ought to regulate our conduct in the present moment. Thus both, in order to suit their own convenience in departing from the established standard, give their sanction to a new code. I, however, more inclined as I am to adhere to the ancient standard, and to follow established rules of judging, hold the opinions of eminent men, dispassionately given on subjects which they have accurately studied, to be of considerable importance. I consider those opinions formed under circumstances the most favourable to the discovery of truth, to be the result of unbiassed inquiry and minute investigation, and therefore entitled to great weight in regulating the conduct of nations. Those writers in laying down their maxims, were not distracted by local prejudices or by partial interests; they reasoned upon great principles, and from a wide survey of the state of nations, and comparing the result of their own reflections with the lessons taught them by the experience of former ages, constructed that system, which they conceived to be of most extensive utility and universal application. From the system of such men I should be cautious to deviate. Vattel, than whom I know of no man more eminent in the science on which he has written, has laid it down as a principle, that every independent nation has an undoubted right to regulate its form of government. Upon this authority, I last session reprobated the conduct of Austria and Prussia, in attacking the French, for no reason but because they were attempting to regulate their internal government—a conduct which has, I fear, been more fatal to the political morality of Europe than any thing the French have yet done. It is true, as my hon. friend (Mr. Sheridan) has stated that the French are not alone chargeable with those crimes and calamities which we have beheld follow one another in such rapid succession. To them alone is not to be imputed that scene of carnage which has desolated the nations of Europe. Those who have been most forward to bring against them the charge of cruelty are themselves the accomplices of their crimes. I am not apt to think that war in general has a tendency to make men more savage than they were before; yet I must confess, that I regarded the manifesto of the duke of Brunswick, upon its first appearance, as the signal for carnage and general war. I am no advocate for French cruelties; but to the spirit breathed, and the declarations contained, in that manifesto, I can trace much of that scene of horror and bloodshed which has followed. For carnage, by whomsoever committed, I never can be the apologist; such a task is equally repugnant to my judgment and feelings, and therefore have I been anxious to keep myself clear of all concern in measures which have tended to lead to it, and to enter my solemn protest against those steps which I saw likely still farther to increase the effusion of human blood. It is some satisfaction to me to reflect, that I had no share in that system of policy, which, in whatever motives it might originate, has in its consequences been productive of so many atrocities. Posterity, feeling a just abhorrence for those cruelties which have disgraced the present age, will be better able to investigate their causes, and to discriminate their authors. They will look farther, perhaps than to the sanguinary temper of a people who were seeking to establish their freedom; for the love of liberty is not necessarily connected with a thirst for blood. They will endeavour to discover by what means that sanguinary temper was produced; they will inquire if there was no system of proscription established against that people: if there was no combination formed, in order to deprive them of their freedom. Those who were concerned in framing the infamous manifestoes of the duke of Brunswick, those who negociated the treaty of Pilnitz, the impartial voice of posterity will pronounce to have been the principal authors of all those enormities which have afflicted humanity, and desolated Europe. If this country has had any share in the detestable treaty of Pilnitz, she will not be acquitted of her share of the guilt. To that treaty I ascribe the origin of the war, and all its subsequent calamities. Can it be pretended, as has been asserted, that France has been in all cases the aggressor? Was she so with respect

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to Prussia? The proof to the contrary is obvious. We had a treaty of alliance with Prussia, by which we were bound to furnish certain succours if Prussia should be attacked. Were we called upon for those succours? No such thing. Sufficient evidence this that Prussia did not consider the war with France as a war of defence, but a war of aggression, voluntarily undertaken.

But whether we or the French were originally the aggressors, makes no great difference now. This much we know that they offered to negociate, and that all their proposals were treated with a disdain, which could not fail to render peace impossible. Robespierre, that great authority, whom the advocates for the war never fail to quote when they find him on their side, accuses Brissot of having involved France in the war with this country. On the strength of Robespierre's, impartial judgment in the case are ministers exculpated from the charge of having caused the war! Such are the authorities which their friends bring forward in their vindication, and such the arguments by which they attempt to defend their conduct! Upon the subject of acts of aggression, previous to the war, there subsists this difference between France and Great Britain: France was always ready to negociate: the British government invariably refused. France expressed the strongest dislike to war, and seemed anxious to take every step to avoid it; the British government showed not only an inclination for war, but employed every measure that could tend to provoke hostilities. From the very circumstance that Robespierre attached it as a crime to Brissot, that he was the author of the war, I draw a very different conclusion from that which has been attempted to be impressed upon this House. It shows, that even the most violent party in France were adverse to a war with this country. And in the charge brought against Brissot, I certainly coincide with Robespierre. Whatever might have been the views or the conduct of the British minister, he, as a wise statesman, ought certainly not to have induced France to declare against this country till the last moment. I clearly think that war might have been avoided. Such was the opinion which I expressed last year, contrary to the sense of the majority of this House, contrary to the voice of the nation at large, and contrary to the sentiments of some of those friends whom I most highly valued. Such was the opinion which I supported, at the price of any political weight I might possess in this House; at the price of any little popularity which I might enjoy abroad; and of what was still more dear to me, the friendship of those with whom I was most closely connected. However painful the sacrifices which I was then obliged to make, I repent not of what I then did: on mature reflection, I find as much solid satisfaction from the advice I then gave, and from the conduct I then pursued, as it is possible to derive from the consciousness that they were precisely such as they ought to have been.

But, Sir, the origin of the war is now a matter of secondary consideration. The first question is, how can it be concluded? My opinion still is, that we ought to treat with the present or with any other government to which the present may give place in France; while others contend, and an awful consideration it is, that no treaty with any modification of Jacobin government can be secure. In discussing this question, it is my wish, if possible, to reconcile both sides of the House. A desire has been universally expressed, that an honourable and secure peace should be established: such also is my desire; and if peace cannot be concluded on such terms, I will then grant that the war ought to be carried on. But it remains to be proved that such a peace cannot at present be obtained. If I shall be able to show that it can, I shall then have established my principle, that we ought to treat with the Jacobin government of France. The question of security I shall now examine, considering an attempt to negociate in the only two points of view under which, as appears to me, it can possibly fall. My own opinion, or rather conjecture, is, that peace may be obtained. But however well or ill-founded this opinion may be, we are to consider first, whether such a peace as may be supposed attainable, is so desirable as to induce us to negociate; and next, whether a failure in the negociation will be attended with such dangerous consequences as ought to induce us not to hazard the attempt.

However, Sir, we may abhor the conduct of Frenchmen towards Frenchmen, whatever indignation we may feel against crimes at which humanity shudders, the hatred of vice is no just cause of war between nations. If it were, good God!

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with which of those powers with whom we are now combined against France should we be at peace? We, proud of our own freedom, have long been accustomed to treat despotic governments with contempt, and to mark the vices of despots with vigilant sensibility. Of late, however, our resentment has been most readily excited by the abuses of liberty; and our hatred of vice is very different on different sides. In France an old despotism is overturned, and an attempt made to introduce a free government in its room. In that attempt great crimes are committed, and language is ransacked, and declamation exhausted, to rouse our indignation, and excite us to war against the whole people. In Poland liberty is subverted, that fair portion of the creation seized by the relentless fangs of despotism; the wretched inhabitants reduced to the same situation with the other slaves of their new masters, and in order to add insult to cruelty, enjoined to sing Te Deum for the blessings thus conferred upon them;—and what does all this produce? Sometimes a well-turned sentence to express our sorrow, or mark our disapprobation. But hatred of vice is no just cause of war, or ever was among nations; and when I hear men declaim on the crimes of France, who know how to reason like statesmen, I cannot but suspect that they mean to deceive and not to convince. But, it is next said, can a secure peace be made? The question is, I confess, difficult of solution. On the one hand, abstract consideration must be avoided; on the other, experience and precedent attended to as much as possible. Do I think that a peace, concluded with such a government, would be secure? Perhaps I do not think it would be as secure as I could wish for the permanent interest of this country; but I desire the House to recollect what has been the nature of almost every peace that has been made in Europe. From a retrospect of the circumstances under which former treaties were ratified, it will, in all probability, be as secure as any peace that has been made with France at any other time, and more so than any that they, who would make no peace without the restoration of the monarchy, can ever expect to make. The present rulers of France, it is said, have declared themselves our natural enemies; and have contrived schemes, and sent emissaries to overturn our constitution. Was not all this constantly done by Louis 14th? Was he not the declared enemy of our glorious Revolution? Did he not keep up a correspondence with the jacobite party among us; and endeavour, by force and artifice, to overturn our establishment in church and state? Had our new-fangled politicians lived in those times, they would have said, before the peace of Ryswick, "What! treat with Louis 14th who has made war upon you unjustly, who has fomented treason and rebellion, who has attempted to destroy all that you hold sacred, and instead of a limited monarchy, and the protestant religion, to impose upon you the fetters of despotism and popery?" Such must then have been their language; but king William and his ministers would have thought those who held it fitter for bedlam than a cabinet. But, it is said, the Jacobins have threatened to over-run Holland, and extend their conquests to the Rhine. And did not Louis 14th invade Holland? Were his projects of conquest so moderate as to be confined within the Rhine?

The whole argument then comes to this, that you must be satisfied with the best security you can get, taking care that the power with whom you make a peace, shall have no temptation to break it, either from your misconduct or want of vigilance. The best security for Holland is, the emperor's possession of the Netherlands, and repairing the fortifications of the barrier towns, which he is bound by treaty to maintain. Whether the emperor shall be obliged to do this at his own expense or whether Holland and Great Britain shall assist him, is matter of future discussion; certain it is, however, that it will cost us much less than another campaign. If we look at the declaration to the people of France, the first idea presented by it, although afterwards somewhat modified, but again confirmed by the declaration at Toulon, is, that the restoration of monarchy must be the preliminary to peace. Now suppose that instead of the Jacobin Republic, some stable form of government, but not a monarchy, should be established, with which we might think it safe or necessary to treat, what would become of our promises to Louis 17th and the people of Toulon? Then, as to our security, according to the declaration, as soon as the French have a king we will cease to make war upon them, and then they may set about modifications of their monarchy. But how are these to

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be made? Not, certainly, with a guard of German troops surrounding the hall where those who are to make them are assembled. France will then be left in precisely the same situation as she was in 1789, from which flowed all the mischiefs that are now said to render it impossible for us to treat with them. Such is the notable security which the minister proposes to obtain!

The minister also promised at Toulon, or those whom he employed promised for him, to restore the constitution of 1789, and it was in fact, restored there. Louis 17th was not styled king of France and Navarre, &c. but king of the French, and all the authorities appointed by the constitution of 1789 were re-established. How did this agree with the conduct of our allies? While we were in possession of Toulon, general Wurmser entered Alsace, where he issued a proclamation, dismissing all persons appointed to offices under the Constitution of 1789, and restoring, till farther orders, the ancient system, which we are apt to call despotic. I will suppose a thing too absurd to be supposed but for the sake of argument, namely, that France is brought to submit to whatever we may choose to propose. Must she have a king? She consents. Must that king be Louis 17th? She consents. What in this case would be our security? Do ministers mean to restore to France all they may take from her in the course of reducing her to this submission? Do they mean to restore Valenciennes, Condé, Quesnoi, and St. Domingo? No: the secretary of state says not: He declares that you must have an indemnification for the expense of your services in the war. Admitting that Louis 17th will in that case have a proper sense of gratitude, and that gratitude in kings is stronger than in other men;—a position, however, rather doubted; for although "as rich as a king," "as happy as a king," and many expressions of the same sort, are common sayings, the breasts of kings have not always been considered as the depositories of gratitude. The phrase of "as grateful as a king," is not yet proverbial. Yet supposing that Louis 17th would be as grateful as this country could desire, as monarchs must be subject to the voice of their people, what would that voice be? That France was deprived of her former possessions, that she was shorn of her ancient lustre, and that no fair occasion should be lost of regaining what had been ravished from her. And thus France would seize the first opportunity of attacking us, when we might possibly have no ally but Holland, and when Prussia or Austria might be leagued with France.

Sir, will any man say that this is not the probable course of events? Unless indeed it can be shown, that princes are more honest and true to their engagements than other men; but from what history this observation is to be collected, I am yet to learn. I know, indeed, that there are certain high stoical sentiments, such as "We know what becomes us to do; and in that line of conduct which, duty prescribes, we are determined to persevere, be the consequences what they may." On such sentiments men may act, if they please, for themselves, but this House can have no right to act so for their constituents, whose interests they are always bound in the first instance to consult. Are gentlemen ready to say that, sensible of all the calamities which must result from their adherence to their present line of conduct, they are nevertheless determined to persist, and to brave those calamities with their eyes open? There are causes, indeed, which dignify suffering; there are some occasions on which, though it is impossible to succeed, it is glorious even to fail; but, shall we expose that country, with whose welfare we are entrusted, to certain calamity and repulse; and all for a ridiculous crusade against the Jacobins!

When I heard that the success of the campaign was to be made matter of boast in the king's speech, I thought it the highest pitch of effrontery to be found in the annals of any nation. Little did I imagine, that his majesty would conceive it necessary to recapitulate from the throne all the successes obtained before the rising of the last session of parliament; successes of which we had been told over and over. If, however, these successes were estimated from June, when his majesty last addressed the parliament, to what do they amount? Or if, which is indeed the only rational mode of forming a judgment of the future, the situation of France, when first attacked by Austria and Prussia, is compared with her present situation, what is the prospect of final success? Far from imagining that I should have to contend, that the campaign has been neither successful nor

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glorious, I expected to be asked, when I came to talk of peace, "What! are you so pusillanimous as to suffer your spirits to be depressed by a few untoward events? Would you so far degrade your country as to offer terms of peace now, which we disdained to offer in June, when our good fortune was at its height? When we have been repulsed at Dunkirk; when the prince of Saxe-Cobourg has been repulsed at Maubeuge; when we have been driven from Toulon in a manner so afflicting, if not disgraceful; when general Wurmser has been routed in Alsace; the siege of Landau raised; and the duke of Brunswick can scarcely protect the German cities on the Rhine—to offer terms of peace would be to supplicate, not to negociate.

Such an appeal to my feelings, I must have endeavoured to answer as well as I could; but from that task I am completely relieved, by the boast made by ministers of their victories. If the advantages we obtained were such as they represent them to be, we can negociate without dishonour; we can assume the dignified character of being in a condition to dictate the terms of peace, and of forbearing to insist on all that our superiority entitles us to demand. Here then is an additional reason for pursuing the course which I recommend. The right hon. secretary (Mr. Dundas) has said, that our object in the West Indies was, to gain some solid advantage for ourselves, as an indemnification for the expenses of the war. This, however, is a perfectly distinct object from that of giving such a government to France as ministers might think it safe to treat with; and in many respects contradictory to the other. In pursuance of the object of solid advantage to ourselves, whatever islands we took for Louis 17th, we must wish to keep; and as we wished to keep the islands, must wish that Louis 17th, who would have a right to demand them of us, should not be restored; and thus our two objects would run counter to each other. The right hon. secretary has also said, that if we were to make peace with France on the principle of *uti possidetis*, the campaign would be the most advantageous and the most glorious in the records of history. Advantageous in that point of view, it certainly might be; but glorious it can hardly be called, when it is considered, that we are leagued in it with so many other powers, against a single nation whose force we had formerly met, not only without allies, but with those who ought to have been our allies marshalled under the standard of our enemy.

But the real object of the war is the destruction of the Jacobin power in France. Have we succeeded in that object? Is it not clear to the apprehension of every man, who possesses the smallest degree of information, that we are now more distant from it than ever? The right hon. secretary has informed us, that ministers have been greatly embarrassed, whether they should send the forces at their disposal with sir Charles Grey to the West Indies, or with the earl of Moira to co-operate with the Royalists in France. The answer is easy. If the war with the persons who now govern France is as the friends of ministers state it to be, *bellum internecinum*, they ought not to have hesitated a moment. All expeditions ought to give way to that which alone could most materially promote their object; namely, the aid afforded to the Royalists, for the purpose of marching directly to Paris, and exterminating that party, which is the object of such detestation, that ministers can alone be satisfied with its utter extirpation. I hope that they have not, in the present instance, as sometimes happens to men fluctuating between two purposes, so divided their attention as to have allotted for neither a sufficient force, and thus contrived to render both ineffectual.

My honourable friend (Mr. Windham) has stated, that an idea was last session held out to the country, that the war would be concluded in one campaign, and that this unreasonable expectation, artfully instilled into the minds of the public, is the chief, if not the sole source of any disappointment, which may be felt in the present moment. It is true, that I, and those who then thought as I did, represented the dangers to be apprehended from the war; but I appeal to the recollection of every man who heard us, whether we ever said that the war was likely to be terminated in one campaign. On the other hand, was it not insinuated, if not expressly stated, in the speeches of those who advised going to war, that one campaign would be sufficient to bring it to a conclusion? Do not ministers know that the same idea has been circulated by every ministerial scribbler in every

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ministerial newspaper? And is it not notorious, that this delusion has induced many persons to approve of the war, who would otherwise have opposed it? My hon. friend has ridiculed the idea of the war having united the French among themselves. He has asked, whether, instead of union, there has not taken place a contest of two parties, which has led to a series of murders? All this I grant to be true; we have, indeed, beheld the most sanguinary scenes in France, in consequence of the contests of jarring parties; the complete triumph of the present Jacobin party has lately been sealed by the blood of their opponents. But, whatever may have been the contests of parties in France, or whatever the consequences to which they have led, I affirm, that the war has produced in that country not only union, but, what is still worse for the allies, a degree of energy, which it is impossible to withstand.

Let us look, Sir, to the real state of the case. When the session closed in June, there were parties existing in France of equal strength. The Girondists occupied Lyons, Bourdeaux, and other places: the royalists possessed La Vendee; and the convention had to contend with Austria, Prussia, Russia, Great Britain, the Holy Roman empire, Sardinia, Tuscany, and Naples. (Tuscany, by the way, did not come under the British wing so willingly as the right hon. secretary asserted.) Yet, with these powers against them, the convention not only quelled all internal insurrections, but defeated their foreign enemies. Toulon was taken by the British, in consequence of certain conditions stipulated by the inhabitants. And yet even with the certainty of the guillotine before them, these inhabitants were so unwilling to assist the British, that no other than an ignominious evacuation could be effected. As far as can be collected from information, there is not now an insurrection from one end of France to the other. What, then, is the inference? That there is no probability, nor even possibility, of overturning the Jacobin government of France in another campaign, nor in another after that. The French are now inspired with such an enthusiasm for what they call liberty, that nothing but absolute conquest can induce them to listen to any plan of government proposed by a foreign power. Considering the spirit of the French in this point of view, I am not much comforted by any thing that the noble lord has said of their finances. I remember to have heard much the same arguments delivered from the same side of the House during the American war. The noble lord will find, in the debates of those days, much talk of a "vagrant congress" which was no where to be found, of their miserable resources, and their wretched paper-money, at 300 per cent. discount, of which with the few halfpence you might happen to have in your pocket, you might purchase to the amount of a hundred dollars. The Americans were represented as exercising against the royalists the most unheard-of cruelties; and then came what was now the master argument, that if such principles of resistance were suffered to exist, if the cause of the Americans was ultimately to be successful, there must be an end of all civilized government, and the monarchy of England must be trodden in the dust. At the time when such arguments were made, we were in possession not only of one port like Toulon, but of almost all their principal ports. Yet, I was not then deterred from recommending what I now recommend—negociation, while negociation is practicable. I lived to see Great Britain treat with that very congress so often vilified and abused, and the monarchy subsist in full vigour, certainly fuller than it had ever before subsisted since the Revolution. And if it were not presumptuous for a man to reckon on his own life, I might say, that I expect to live to see Great Britain treat with that very Jacobin government with which you now refuse to treat; and God grant that it may not be under circumstances less favourable for making peace than the present!

Having shown, that as much security might be obtained by treating now with France as in any case that comes within our experience, it remains only to prove, that even if negociation should fail, we have still much to gain, and nothing to lose. We shall thereby demonstrate to the world, that the war, on our part, is strictly defensive; and convince the people of England, that their money is expended not to gratify the caprice of an individual, but to protect the honour and interests of the country. In France the advantage will be still greater; for there, where enthusiasm supplies the place of military discipline and military skill, where it makes the people submit to tyranny almost beyond human patience, we shall di-

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minish that enthusiasm, by showing them that they are not engaged in a war of defence, but of conquest. The country will no longer be governed by declamations against the allies, and exhortations to fight upon the frontiers: the refusal of the Jacobins to treat will ruin them in the opinion of the French people; and thus we shall at once secure the great ends of policy and justice. We shall show to the people of England, that we do not wantonly lavish their blood and treasure; we shall reconcile them to the war, if its continuance should be found necessary; and we shall disarm the enthusiasm of the people of France, by proving to them our own moderation, and our disposition to make peace upon equitable terms.

Whatever Frenchmen can do, I am told that Englishmen can do also. I have no doubt but they can; and that under the same circumstances, the efforts of the people of England would equal or exceed the efforts which are at present made by the people of France. Frenchmen, as they conceive, are contending for their independence as a nation, and their liberties as individuals. Some, indeed, say, that we are engaged in a similar contest, but few or none believe this to be actually the case. We make fine speeches, in order to show how much we are alarmed, and to communicate the alarm to others. But what effect do they produce? They are the result of cold declamation and artificial eloquence; they are the speeches of orators, not the effusions of manly feeling: nobody is persuaded of the facts which they assert, or impressed with the sentiments which they convey. The success of this or that campaign will make little or no difference with respect to the security of our religion and liberty, so often brought into the question. The French, on the other hand, dread equally the despotism of Austria and of Prussia. I wish they may not add, the despotism of Great Britain. In France they have ceased to make speeches on this subject, because every man feels it unnecessary to declaim on that which he is convinced every other man feels equally with himself.

On the conduct of the war, and the mismanagement of the force, with the direction of which ministers were entrusted the lateness of the hour would induce me to postpone any remark, did not the boastful manner in which they have talked of their own exertions render it impossible for me to be silent. The right hon. secretary has expatiated on the protection afforded to commerce. Has he forgot the situation in which commerce was left in the West-Indies? Has he forgot how long the whole Jamaica fleet waited for convoy, and under what convoy it was at last obliged to sail? Does he not know that at the very moment he was speaking the French had blocked up the harbour of Cork, and with a few frigates parading the British channel, are making prizes of our merchantmen, and chasing our cruizers into our own ports? Sure I am, that if such unexampled protection has been afforded to our commerce as the right hon. gentleman boasts of, our merchants are the most unreasonable and ungrateful people in the world, On this subject they hold a language very different; their complaints of want of protection are loud and general. When the right hon. gentleman was taking a review of the campaign, and representing it as so highly creditable and satisfactory to himself and his colleagues, I am surprised he forgot to mention Dunkirk. Of the expedition against Dunkirk, by what strange omission I know not, the right hon. gentleman did not say a single word. I should be glad to know, Sir, the wise man who planned that expedition, and advised the division of the combined forces in Flanders. If I may trust to information, which I see no reason to doubt, such advice was never given by the duke of York, and was directly contrary to the sentiments of that experienced general the prince of Saxe Cobourg. If the plan was reprehensible, let us look to the manner in which it was carried into execution. What exertions were made by ministers after the siege was undertaken to ensure success? What must have been the feellings of a gallant British prince, who, through dangers and difficulties, had approached the sea, the natural dominion of his country, and expected to find the whole coast a fortress for him, at beholding his troops destroyed by the gun-boats of the enemy commanding the shore, and impeding all his operations! Of that expedition, so full of imbecility and blunders, on the part of those who directed, and who were bound to co-operate in the undertaking, not of those to whom was left the task of execution, without being furnished with the necessary means, some account must be given. This failure ministers are bound to explain. To the conduct and skill of the duke of York I have every reason to believe that the subsequent

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preservation of West Flanders was owing. The wise precautions taken by him upon that occasion saved that country from the fate to which it was exposed by the rashness and imprudence of ministers.

With respect to Toulon, I have always understood that we obtained possession of it by negociation, and that it was delivered up to us on conditions agreed upon with the inhabitants. If it was right so to take it, it became a matter of indispensable duty to defend it. But what was done on the part of ministers to fulfil this important part of the agreement? Might they not have sent such a force of British or Austrian troops to occupy the heights that surround Toulon as would have foiled all the attempts of the enemy? Instead of this, they sent a miserable crew of Neapolitan and Spanish troops, without discipline, experience or courage, neither skilled in the arts of defence, nor capable to resist the ardour of an impetuous enemy. Such were the men whom they opposed to a French army, whose courage was exalted to the highest pitch by a sense of national honour, and their enthusiasm in the cause of freedom. When they understood, however, that the place was to be attacked, they considered some additional assistance as necessary; and in order to make a suitable provision against the danger, they borrowed an idea from the enemy, and threw in, as a reinforcement, the abilities of a civil commissioner, sir Gilbert Elliot. Of the circumstances under which Toulon was evacuated, we are not sufficiently informed to speak with confidence. But from all that ministers have thought proper to publish, and all that we have heard from other quarters, I fear it was an event as disgraceful to the British arms, as afflicting to humanity. I shall be told, that it is not fit to blame officers in their absence, and therefore that the conduct of lord Hood is not now to be discussed: but, Sir, by the address I am called upon to praise lord Hood: and surely, before I give my assent to such an address, I have a right to inquire into the grounds of approbation. The conduct of lord Hood, I am told, ought not to be censured; it has not yet been an object of examination and discussion; and if on this ground it be proper to deprecate censure, it is surely equally proper to withhold praise. At present I can oply judge from what appears on the face of the transaction, aided by those imperfect accounts which ministers have thought proper to communicate to the public. The evacuation seems to have taken place under circumstances against which policy ought to have provided; and I fear the result was such as British humanity will contemplate with but little satisfaction. I am told, indeed, by the right hon. secretary, that no man was left behind who was disposed to quit the place; and I am bound to give credit to his assertion. But, when I read in the accounts given into the French convention, of two hundred in one day, and four hundred in another, (and accounts of this sort have, unfortunately, in general, proved but too true,) who, for the assistance which they afforded the English, were conducted to the guillotine, what am I to infer? Am I to infer, that from the experience of the conduct of the English, such was their detestation of their character, that they chose rather to wait for death from the vengeance of their countrymen, than to seek for safety from British protection? If such is the inference, in what a point of view does it place the honour of the British nation, and the boasted generosity of their character! But if the fact be otherwise, if after having betrayed these men to assist in your views, you abandoned them to that ruin which was the consequence, their blood is on your heads, and at your hands will it be required. What people henceforth will be desirous of the friendship of Britain, or able to repose themselves with confidence in your fidelity? What dependence can they have upon the efficacy of your assistance, or what security even against your desertion? Toulon, purchased by compromise, you have lost with disgrace; you have placed yourselves in a point of view entirely new to British character; you have proved yourselves neither useful as friends, nor respectable as enemies. You have now to contemplate loss and repulse as the result of a transaction equally degrading to your resources and your principles, every part of which stamps your efforts with feebleness, and brands your character with dishonour.

Nevertheless a noble lord (Mulgrave) whom I do not see in his place, and who arrived in this country a short time before the evacuation, affirmed in his dispatches, that Toulon was in a state of comfortable security. What idea, Sir, must we have of what constitutes a state of comfortable security, when such proves to have been the event! When ministers had failed at Dunkirk, and perhaps, notwithstanding this

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assertion of comfortable security, foresaw that they should fail at Toulon, they projected, or rather talked of a descent on the coast of France, under the command of the earl of Moira; when we ask why that expedition was so long talked of, and never undertaken, the right hon. secretary tells us, that it was delayed for want of troops. What! when we had at last hit upon a plan which was to conduct us to the gates of Paris, were we obliged to abandon it for want of men? Were no Hanoverians, Hessians, or even Austrians, to be found? Miserable, indeed, must be the alliances entered into by the minister, if neither those whose cause he had undertaken to support, nor those whom he had taken into his pay, would furnish him with men sufficient for an expedition, the success of which might have redeemed so many miscarriages! Did he defer that expedition till winter, because the difficult navigation of the coast of Normandy was peculiarly safe at that season? Or did he choose to delay it, because the Prince of Cobourg would be unable to act, and, of consequence, the French troops in that quarter would be disengaged?

With the knowledge of these events, if we retain the least spark of that independence which was once the characteristic of a British House of Commons, we cannot concur in an address which tells his majesty that we think the campaign has been successful. If there is a man among us who is not the sycophant of ministers, he cannot say that the conduct of it has displayed any thing on their part but imbecility and want of resource. The right hon. the chancellor of the exchequer possesses great talents and great eloquence; and the long period during which he has had the opportunity of displaying those talents in office, has no doubt added to the number of his admirers: but he must now pick from the very lowest class of his flatterers before he can collect thirty men around his own table who will tell him that he is a great war minister. His friends, perhaps, will tell us, that he may do better another time, and therefore they will continue to support him; but at what expense is the experiment to be made, and how much British blood and British treasure must be lavished, while he is learning how to conduct a war! The right hon. secretary has said, that when lord Hood had taken possession of Toulon, all the states of Italy hastened to put themselves under the protection of the British fleet. What haste the duke of Tuscany made to seek that protection, and with what reluctance he was compelled to accept of it, the memorials, or rather menaces, delivered by lord Harvey, who, I believe, acted in perfect conformity to his instructions, will sufficiently evince. While we were declaiming against the insults of the French to neutral states, we took upon us to dictate to the duke of Tuscany, not only with respect to his public conduct, but his private feelings. Lord Harvey was instructed to tell him, that he misunderstood the interests and disregarded the wishes of his people; that the minister in whom he confided was a person unworthy of trust; and that he himself had no proper sense of the duty he owed to his uncle and his aunt, and all his relations of the house of Austria. Our conduct to the Genoese was modelled upon the same principles: and we only had not the guilt of bombarding Genoa, because that republic refused to depart from its neutrality.

What, too, was the conduct which was observed towards the Swiss Cantons? On that subject I am particularly informed, in consequence of a letter which I received from a noble relation of mine (lord Robert Fitzgerald), employed by ministers in that quarter. In this letter he states, that he was instructed, on the part of the British court, to intimate to the cantons, that they might indeed, preserve their neutrality, but that they should hold no commerce with France. What sort of neutrality was that, Sir, which excluded all commerce, which deprived them of every advantage which such a situation entitled them to expect? And what sort of respect did ministers show for the rights of independent states, by thus presuming to dictate to them the terms upon which they should regulate their conduct with regard to other nations? Of the same nature was the interference attempted in the instance of Denmark and Sweden; and if these courts had not had the wisdom and the firmness to resist all the arts and menaces employed to draw them from their system of neutrality, and engage them in the combination against France, they might at this moment have been sharing, in common with the other powers of Europe, all the hardships and miseries of war. Such has been the scandalous conduct of ministers towards neutral states! But did these very ministers forget, that they had themselves all along boasted of

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their neutrality; that they had on every occasion held forth as their justification, that if France had not declared war, this country would still have remained neutral. Such was the credit due to their assertions and such the coincidence between their professions and their conduct! At the very moment they were inveighing against the French as invaders of the rights of nations, and boasting of their own strict observance of neutrality, they were committing the most daring infringements on the rights of independent states, and attempting, by the most unwarrantable means to engage them to take part in hostilities against France. The injustice of such a conduct could only be aggravated by its meanness. The nations with respect to whom this interference was exercised were such only as ministers might hope to frighten by their menaces, and awe to compliance by the terror of superior force. We condescend not only to lay aside all respect for justice, but all dignity of character, and to become the bullies of those states whom he deemed incapable of resisting our imperious demands. Oh, shame to our policy! Oh spot indelible to the British name! When, indeed, I consider the present system adopted in the courts of Europe, when I look at the infamous conduct of Russia and Prussia towards Poland, I own that I tremble for the fate of Europe. Convinced I am, that no power, which is not founded in justice can either be sound or permanent. If, indeed, the courts of Europe are menaced with imminent danger, they have chiefly to apprehend the consequences of their own recent proceedings. If in no cabinet there is to be found any remnant of decency any sense of honour, such a state of things must tend more to the dissolution of established systems than all that can be effected by Jacobin principles or Jacobin force. The rage of the Jacobins may, indeed, be directed against the outworks of their power; but they are themselves undermining the foundation.

I next come to the conduct of ministers with respect to America. In this instance they seem likewise to have adopted the maxim of M. Genet, in setting aside the authority of Vattel, and testifying the most perfect contempt for the principles laid down by established writers on the law of nations, where they happen to differ from their own notions of political convenience. Their system of aggression on the rights of independent states, they followed up with respect to America, by issuing an order to seize on American vessels bound to the French West-India islands. This order, however, they were afterwards prevailed upon to withdraw, in consequence of being informed by the merchants, that congress could never brook so wanton an aggression, so unprovoked an insult; and that the measure, if persisted in, must infallibly produce a rupture between America and this country. I trust, the retraction has come in time to prevent the consequences of the error, but it can reflect but little honour on the ministers of this country, that they have been compelled to respect the rights of an independent state only from a dread of its power, and that they have shown themselves to be more influenced by a sense of fear, than by a principle of justice.

And here, Sir, I cannot help alluding to the president of the United States general Washington, a character whose conduct has been so different from that which has been pursued by the ministers of this country. How infinitely wiser must appear the spirit and principles manifested in his late address to the congress than the policy of modern European courts! Illustrious man, deriving honour less from the splendor of his situation than from the dignity of his mind, before whom all borrowed greatness sinks into insignificance, and all the potentates of Europe (excepting the members of our own royal family) become little and contemptible! He has had no occasion to have recourse to any tricks of policy or arts of alarm; his authority has been sufficiently supported by the same means by which it was acquired, and his conduct has uniformly been characterised by wisdom, moderation, and firmness. Feeling gratitude to France for the assistance received from her in that great contest which secured the independence of America, he did not choose to give up the system of neutrality. Having once laid down that line of conduct, which both gratitude and policy pointed out as most proper to be pursued, not all the insults or provocation of the French minister Genet, could turn him from his purpose. Entrusted with the welfare of a great people, he did not allow the misconduct of another, with respect to himself, for one moment to withdraw his attention from their interests. He had no fear of the Jacobins; he felt no alarm from their principles, and considered no precaution as necessary in order to stop their progress.

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The people over whom he presided he knew to be acquainted with their rights and their duties. He trusted to their own good sense to defeat the effect of those arts which might be employed to inflame or mislead their minds; and was sensible that a government could be in no danger while it retained the attachment and confidence of its subjects—attachment, in this instance, not blindly adopted, confidence not implicitly given, but arising from the conviction of its excellence, and the experience of its blessings. I cannot, indeed, help admiring the wisdom and the fortune of this great man; by the phrase "fortune," I mean not in the smallest degree to derogate from his merit. But, notwithstanding his extraordinary talents and exalted integrity, it must be considered as singularly fortunate, that he should have experienced a lot, which so seldom falls to the portion of humanity, and have passed through such a variety of scenes without stain and without reproach. It must, indeed, create astonishment, that, placed in circumstances so critical, and filling for a series of years a station so conspicuous, his character should never once have been called in question; that he should in no one instance have been accused either of improper insolence, or of mean submission in his transactions with foreign nations. For him it has been reserved to run the race of glory, without experiencing the smallest interruption to the brilliancy of his career, But, Sir, if the maxims now held out were adopted, the man who now ranks as the assertor of his country's freedom, and the guardian of its interests and its honour, would be deemed to have betrayed that country, and entailed upon himself indelible reproach. How, Sir, did he act when insulted by Genet? Did he consider it as necessary to avenge himself for the misconduct or madness of an individual, by involving a whole continent in the horrors of war? No; he contented himself with procuring satisfaction for the insult, by causing Genet to be recalled: and thus at once consulted his own dignity and the interests of his country. Happy Americans! while the whirlwind spreads desolation over one quarter of the globe, you remain protected from its baneful effects, by your own virtues and the wisdom of your government! Separated from Europe by an immense ocean, you feel not the effects of those prejudices and passions, which convert the boasted seats of civilization into scenes of horror and bloodshed! You profit by the folly and madness of contending nations, and afford in your more congenial clime an asylum to those blessings and virtues which they wantonly contemn, or wickedly exclude from their bosom! Cultivating the arts of peace under the influence of freedom, you advance by rapid strides to opulence and distinction; and if by any accident you should be compelled to take part in the present unhappy contest; if you should find it necessary to avenge insult, or repel injury, the world will bear witness to the equity of your sentiments and the moderation of your views, and the success of your arms will, no doubt, be proportioned to the justice of your cause!

Sir, I have now nothing more with which to trouble the House; I am sensible, indeed, that at this advanced hour I have already detained them too long. But I was anxious to put the question on its true footing, and to free it from that misrepresentation in which it has been so studiously involved. We have of late been too much accustomed to invective and declamation; addresses to our prejudices and passions have been substituted instead of appeals to our reason. But we are met here not to declaim against the crimes of other states, but to consult what are the true interests of this country. The question is not what degree of abhorrence we ought to feel of French cruelty, but what line of conduct we ought to pursue, consistently with British policy. Whatever our detestation of the guilt of foreign nations may be, we are not called to take upon ourselves the task of avengers; we are bound only to act as guardians of the welfare of those with whose concerns we are immediately entrusted. It is upon this footing I have argued the question, and if I have succeeded, I trust the House will be disposed to support me in the amendment with which I shall now conclude; intreating his majesty to make peace, whenever it can be done upon safe and honourable terms, without any regard to the form and nature of the government existing in France. But if gentlemen will carry on the war until the Jacobin government of France be exterminated they must be prepared to carry on the war to all eternity. Mr. Fox then moved the following amendment to the address proposed: "To state the determination of this House to support his majesty in the measures necessary to maintain the ho-

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nour and independence of the crown, and to provide for the defence and safety of the nation; but at the same time to advise his majesty to take the earliest means of concluding a peace with the French nation, on such terms as it may be reasonable and prudent for us to insist on. That, whenever such terms can be obtained we trust that no obstacle to the acceptance of them will arise from any considerations respecting the form or nature of the government which may prevail in France."

Mr. *Pitt* said, the motion which had been brought forward by the right hon. gentleman who spoke last, amounted to little less than negativing the address, and upon this principle, what had previously been said by his noble friend (lord Mornington) exactly referred to the subject of debate. From the length to which the discussion had been carried, and the lateness of the hour, it was impossible for him to go much into detail; yet in circumstances of such transcendent importance as the present, though he could add little more, in point of argument, to what had already been so ably and fully stated by his noble friend, he considered it as incumbent on him expressly to deliver his opinion on several points which had been urged by the right hon. gentleman. He still considered it as necessary, in the present stage of the question, to refer to the original grounds upon which the war had been undertaken. The hon. gentleman on the other side had told them that these were of little consequence; and had insisted, that a secure and honourable termination of the war, was the only point which ought now to occupy their discussion. But it became more necessary to refer to these original grounds, as, while the present system continued, there was no probability of any such termination in the present moment.

In recurring, then, to the principles on which they set out, it would appear that the present war had not been hastily and rashly engaged in, but after due deliberation, and mature conviction. It had been the opinion of the majority of that House, and of the great body of the nation, that it was undertaken upon grounds strictly defensive; and that the nation were equally compelled to engage in it by the obligations of duty, and the urgency of necessity. An hon. gentleman had asked —Would not we have engaged in the war, even if France had not previously declared against us? To this he would answer, what he had last session asserted, that if we did not receive satisfaction for past injuries, and security with respect to the future, most certainly we would. From the conduct of France, the war, in whatever form it appeared, could only be considered as aggressive on their part. As to what were the objects of the war, in the first instance, they had frequently been brought forward in the course of last session, and had again, in the present debate, been stated by his noble friend. These objects were—First, that the system adopted by the French had developed principles destructive to the general order of society, and subversive of all regular government. Secondly, that the French themselves, with a view, no doubt, of extending their system, had been guilty of usurpations of the territory of other states. Thirdly, that they had discovered hostile intentions against Holland. Fourthly, that they had disclosed views of aggrandizement and ambition entirely new in extent and importance, and menacing, in their progress, not only the independence of this country, but the security of Europe.—Unless it could be shown, that we were originally mistaken; that these were not proper objects of contest; or that these objects were already gained; the obligations and necessity which originally induced us to undertake the war, would operate with equal force at the present moment. In that case, even supposing that disappointment and difficulty had occurred in the prosecution of the war, they ought to have no other effect than to inspire us with additional vigour, and stimulate us to new exertions. Though not insensible to any failure or miscarriage that might be ascribed to the misconduct of those employed in conducting the operations of the war, yet these could not at all affect the general question, even if their conduct had as much demerit as had been stated by the hon. gentleman on the other side. However unpleasant he or his colleagues might feel from that peculiar situation of responsibility in which they stood, that was no reason why there should be any alteration in the sentiments of the country. If those disappointments and difficulties arose, not from the nature of the contest, but from the misconduct of those entrusted with the management of public affairs, the nation was not therefore to be discouraged in the career of exertion, and to shrink from the discharge of

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their duty. If those persons who conducted his majesty's councils were unequal to the task, let us not think so meanly of the abilities of the country, as to suppose that there are not others of superior talents, without resorting to the few individuals who ever since its commencement discovered principles inimical to the war. Surely it was not necessary to suppose that all the abilities of the nation were exclusively monopolized by those individuals. But if, on the other hand, the difficulty was ascribed to the nature of the contest itself, which, however, he should much more regret, then would the argument with respect to the misconduct of ministers, or of those concerned in conducting the active operations of the war, be much weakened.

He would now, he said, proceed briefly to take a view of the different stages in which the question of the war had been debated. At the conclusion of last session, he had placed its termination upon two circumstances; first, the being able to procure a peace upon terms likely to render it secure and permanent; and, secondly, an indemnity suitable to the expense which the nation should have incurred in carrying on the war. He had therefore, in the debate at the conclusion of last session, held out as a means, not only of annoying the enemy, but of securing those desirable ends, the propriety of an interference in the internal government of France. Not that he had absolutely insisted upon an entire subversion of that government; he had always asserted that if a peace could be made upon terms of security to this country, no consideration of the detestable characters of the ruling men in France, or of the crimes and horrors with which they were sullied, ought to influence this country to reject such terms.

The hon. gentleman had at that time admitted this principle to be right, both in point of expediency and morality. And here he must advert to an unfair mode of argument which had been employed by the hon. gentleman. He had endeavoured to give a different turn to sentiments, by confounding the periods at which they were brought forward.—When the strict neutrality observed by this country, with respect to France, had been mentioned in his majesty's speech, no injury had then been received from France. When circumstances altered, the same sentiments could no longer apply. If a foreign country, divided into two parties, discovered hostile intentions with respect to a nation, it would surely be perfectly fair in that nation to endeavour to oppose those parties to one another; more especially if the continuance of a system was the ground of that enmity, an interference to destroy that system was particularly justifiable. Such was the precise state of the case between France and this country. Last year this interference had been avowed and admitted as a ground of action, and its propriety could not surely be now denied. Since last year, a new scene had presented itself, more eventful and extraordinary even than those which had formerly been exhibited. However the horrors and crimes which had taken place in former periods of the revolution might have exceeded all expectation, and transcended even the utmost stretch of imagination, they now appeared only to have paved the way for fresh horrors and accumulated crimes, beyond whatever fancy could have feigned, or fear conceived. Things had now come to such a crisis, that he had no difficulty to declare, that while that system continued, peace was less desirable to him than a war, under any circumstances of disaster which he could possibly imagine. Not that he would contend that the mere abhorrence of crimes, that the mere detestation of character, except directly bearing upon our own safety, could constitute any reasons why we should engage in a war; but, in the present instance, the reasoning of his noble friend directly applied. That reasoning had gone—first, to show the horror and enormity of the system which now prevailed in France: secondly, the danger of the extension of that system, if not speedily and effectually resisted: thirdly, the measures which were employed for the purpose of extending that system: fourthly, the prospects of success which we derived from the very nature of those measures, in our attempts to crush the progress of that system: and fifthly, that the success of those attempts depended upon the vigorous continuance of our warlike efforts; and that the circumstances of the case were such, as, in the present moment, entirely precluded all negociation. The speech of his noble friend had been styled declamatory; upon what principle he knew not, except that every effort of eloquence, in which the most forcible reasoning was adorned and supported by all the powers of language, was to be branded with the epithet of de-

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clamation. The propositions which he had brought forward, had been urged, not in a vague and general way—they had been supported by strong facts.

The history of the rulers of France had been taken from their own mouths, from records written under their inspection, and decrees sanctioned by their authority. From the nature of their government, there could be no dependence on the characters of whom it was composed. The shifting of persons took place like the shifting of scenes; but this change of persons produced no alteration in the conduct of the drama, the principles and proceedings still continued the same, or were distinguished in their progress only by increasing gradations of enormity. On the 21st of May, a new government, more dreadful in its character, and more fatal in its effects, than any which preceded it, had taken place—This was the revolutionary government.

My noble friend began by stating, that one of the leading features of this government was the abolition of religion. It will scarcely be maintained that this step could tend only to affect opinions, and have no influence upon the conduct of a nation. The extinction of religious sentiment was only intended to pave the way for the introduction of fresh crimes, and entirely to break asunder those bands of society which had been already loosened. It was intended only to familiarize the mind with guilt, and, by removing the obstacle of fear, to relieve it from the restraints of conscience. Infidelity, as my noble friend remarked, was only meant to go hand in hand with insurrection. A second measure of this revolutionary government was, the destruction of property, a precedent which tended not less to destroy all ideas of justice, than the former to extinguish all sentiments of piety. Not less detestable was their conduct in their mode of inflicting punishments—a mode which took away from the accused all privilege of defence, and from their trials even the appearance of legal forms. All these crimes, however, they contrived to convert into sources of revenue. From the pillage of the churches—from the destruction of property—from the confiscation of the effects of those who were condemned—they derived the means for conducting their military operations. They pushed every resource to its utmost extent; as, for instance, the unbounded circulation of assignats, and the imposition of a forced loan. What can be expected from a system of acting upon such principles, and supported by such resources? Resources so desperate afford in themselves the most certain symptoms and indications of the approaching decay of that system with which they are connected. If then such be the system, if such the means of its support; and if France in consequence has, during these few months, experienced a degree of distress; the greatest, perhaps, ever known in that country during the same space of time; what prospect can there be of either stability or permanence to the present order of things? Can it be supposed to rest on that something approaching to instinct—that spirit of enthusiasm which has been so highly extolled by the gentlemen on the other side? What can we think of the probability of the duration of a system which has sent as many suspected persons to the prison or scaffold, as it has sent recruits to the field?

But it has been urged, that the French have distinguished themselves in the field; nor will it be denied, that, independently of any other circumstance, the spirit of a people, called forth by the impulse which acts so strongly in such a situation, may have the effect to make them brave in the moment of action. But their efforts are merely the result of a system of restraint and oppression, the most terrible and gigantic that has, perhaps, ever existed. They are compelled into the field by the terror of the guillotine—they are supported there only by those resources which their desperate situation affords; and, in these circumstances, what can be the dependence on the steadiness of their operations, or what rational prospect can there be of the permanence of their exertions? On this ground, the more monstrous and terrible the system has become, the greater is the probability that it will be speedily overthrown. From the nature of the mind of man, and the necessary progress of human affairs, it is impossible that such a system can be of long duration; and surely no event can be looked for more desirable than a destruction of that system which at present exists, to the misery of France and the terror of Europe.

As to the question of the hon. gentleman, whether I am never to make peace with the Jacobins, it is extremely difficult to anwser, and it would be neither prudent nor rational in me to give him any definitive reply in the present moment.

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It is a question, the solution of which must depend upon a combination of events. As circumstances may vary, a different line of conduct must necessarily be pursued; nor would it be proper to bind up my discretion to act with a regard to those contingencies that may arise, by pledging myself at present to one set of measures. In the present circumstances, I have no hesitation to declare, that I would rather choose to persevere in the war, even amidst the worst disasters, and should deem such a conduct much more safe and honourable, than to conclude a peace with the ruling powers in France on their present system. The question of pursuing the war must, in every instance, depend upon the convenience with which it can be carried on to ourselves; and of that you must be best qualified to judge. On this great and interesting crisis, I have no hesitation to state, that I should think myself deficient in point of candour, if I did not most unequivocally declare, that the moment will never come, when I shall not think any alternative preferable to that of making peace with France, upon the system of its present rulers. The question I do not now mean to argue at large, both from the very advanced hour, and from the full discussion which it has already received. I shall only touch on one or two points which have been brought forward by the hon. gentleman in the course of his argument. His motion is certainly couched in very general terms, and such as might take in every thing that I have contended for. It recommends to his majesty to conclude a peace whenever it can be done upon safe and advantageous terms, without any reference to the nature and form of government which may exist in France. I likewise am of opinion, that a safe and advantageous peace ought to be concluded; but that the security and benefits of that peace must depend upon the establishment of a government essentially different from the present. Though the motion, however, from the general terms in which it is expressed, is calculated to gain no precise object, it is yet capable of doing much mischief. It means and says, that this House entertains sentiments different from those expressed by his majesty in his speech. It holds out to our allies that they are no longer to consider us as eager in the cause, or acting upon the principles in which we embarked along with them; while it must impart encouragement and confidence to our enemies.

The hon. gentleman has said, that a treaty with the French government would afford us as good a security for the continuance of peace, as that which we derived from the treaty of Ryswick or Utrecht. He then, in his usual way, entered into a declamation against kings, and said that we might place equal dependence on the good faith of the present government of France, as on that of the court of Louis 14th. This I expressly deny; and I affirm, that had that king even succeeded in his ambitious projects to their full extent, what we should then have suffered might have been considered as a deliverance, compared with what must be the consequence of success attending the present French system. All the splendour of his court, all the abilities of his generals and discipline of his armies, all the great exertions which he was enabled to make, proceeded from a high sentiment of honour. The exercise of that power which he possessed, however directed to the purposes of his ambition, was regulated by certain principles, and limited within certain bounds. No such principles actuate the conduct of the present French rulers. They have contrived to banish all restraints, and, with an ambition more insatiable, they have at their disposal means of destruction much more formidable than that monarch ever possessed in the plenitude of his power.

The hon. gentleman has inaccurately stated, that I attach the same degree of importance to the restoration of monarchy in France, as to the destruction of the present system. This is by no means the case: I attach importance to the restoration of monarchy, from an opinion that, in the present state of France, some settled form should take place, in which the greater part of the people may be disposed to concur. The ancient government I consider as affording the best materials upon which they could work, in introducing any change into the fabric of their constitution. Besides, as I have thought it incumbent, in any interference which I proposed, in the internal affairs of that country, to consult chiefly the happiness of the people, monarchy appeared to me the system most friendly to their true interests. In another respect, the hon. gentleman has misrepresented me, by stating the restitution of monarchy as an event which must necessarily be preceded by the conquest of France. I consider monarchy only as the standard under

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which the people of France might be united, the more especially as it is that form of government which my noble friend has proved to be most agreeable to the wishes of two-thirds of the inhabitants. But it has been said, that even the re-establishment of royalty would afford us no additional security for the permanence of peace, and that the French would still be equally formidable to this country. It is, however, surely a wild and extravagant assertion, that the monarchy of France, stripped as it would then be of much of its power, and diminished in its revenues, should be as formidable as a system which has proved itself to be more dangerous than monarchy ever was, in the plenitude of its power and the height of its greatness.

But there is one part of the argument of my noble friend to which I must particularly call your attention, and which, independently of every other consideration, precludes even the possibility of our treating with France in the present moment. A decree has been passed by the convention, forbidding to treat with any enemy till they shall have evacuated the territories of the republic; and on the 11th of April it was again decreed, that those persons should be punished with death who should propose to treat with any power which should not have previously acknowledged the independence of the French nation, and the unity and indivisibility of the republic, founded upon liberty and equality. Thus by any proposal to treat, we should not only incur the disgrace of the most abject humiliation, but absolutely put ourselves at their mercy, and subject ourselves to the necessity of receiving any terms which they might be disposed to dictate. Are you then to withdraw your armies, to deprive yourself of the co-operation of your allies, to forego all your acquisitions, to give up Condé, Quesnoi, Tobago, Fort Louis, all the factories in the East Indies? Are you to abandon all these acquisitions, the rewards of your past labours, and the pledges of your future success? Should you consent to do all this, should you even hasten to send an ambassador to treat with the convention, (and the right hon. gentleman, I believe on a former occasion volunteered himself for that service,) you not only must acknowledge the unity and indivisibility of the French Republic, but you must do so in their own way. You must acknowledge it as founded on liberty and equality. You must subscribe to the whole of their code, and by this act sanction the deposition of their sovereign, and the annihilation of their legislature. It may be said that they would not insist upon all this to its full extent; but of this I can have but little confidence, when I compare their past declarations and their conduct. To whatever pitch of extravagance they may have reached in what they have said, they have always outstript it by what they have done. The absurdity of their expressions has in every instance been surpassed by the outrages of their conduct; nor can we have any hopes of more moderation from any change of parties. In all revolutions that have hitherto taken place, the first recommendation to favour has been hostility to England. The most violent party have always predominated. The leading feature in their character at present is a spirit of military enterprise, exerted, not for the purposes of ambition, but every where spreading, in its progress, terror and desolation. We are called in the present age to witness the political and moral phenomenon of a mighty and civilized people, formed into an artificial horde of banditti, throwing off all the restraints which have influenced men in social life, displaying a savage valour directed by a sanguinary spirit, forming rapine and destruction into a system, and perverting to their detestable purposes, all the talents and ingenuity which they derived from their advanced stage of civilization, all the refinements of art, and the discoveries of science. We behold them uniting the utmost savageness and ferocity of design with consummate contrivance, and skilled in execution, and seemingly engaged in no less than a conspiracy to exterminate from the face of the earth all honour, humanity, justice, and religion. In this state, can there be any question but to resist, where resistance alone can be effectual, till such time, as by the blessing of Providence upon our endeavours, we shall have secured the independence of this country, and the general interests of Europe. It cannot be doubted, that there are many other points brought forward by the hon. gentleman with respect to the conduct of the campaign, and the treatment of neutral powers, which I am extremely anxious to meet, but into which the lateness of the hour forbids me to enter. My own strength, as well as the patience of the House, is already ex-

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hausted; and I the more willingly postpone them on the present occasion, as they will with more propriety form future and separate subjects of discussion.

The House divided on Mr. Fox's amendment:

Tellers.

YEAS	Mr. Grey Mr. Adam		59
NOES	Sir Peter Burrell Mr. John Smyth		277

So it passed in the negative. After which, the address, as originally moved, was agreed to.

The King's answer to the Commons Address.] To the Address of the Commons his Majesty returned this Answer:

"Gentlemen;

"I return you my most cordial thanks for this loyal and affectionate address.—It is with great satisfaction that I receive the assurances of your continued and decided support in the prosecution of the just and necessary war, in which we are engaged.—This full and explicit declaration of your sentiments cannot fail to produce the most salutary effects in the present important conjuncture."

Earl Stanhope's Motion for acknowledging the French Republic.] Jan. 23. Earl *Stanhope* rose, to make his promised motion. In the course of what he had to submit to the House, he should call on ministers to point out any of the promises they had made to the deluded people of France, which they had not broken. He should call upon them likewise to point out any one of their own predictions, at the commencement of the war, which had not been belied by the event. During the last session, a measure was debated in both Houses, under the title of the Traitorous Correspondence bill. In the course of the debates on that bill, ministers held out to the public, that if France could not get arms from this country, she could not carry on the war. If it should appear that the people of this country had been deluded into something like a consent to go to war, that was highly criminal in ministers, and the public should be undeceived. So far was the supposition, that the French would be unable to carry on the war if deprived of arms from us, from being true, that the event had belied it wholly; for the French, it was notorious, had arms in abundance, and the very first artillery in the world. They had no less than 700,000 muskets. The next point upon which the public had been deluded by the ministers, in the commencement of this war, was, upon the quantity of ammunition which the French had at that time, and their ability to increase it. The public were told, that unless the French were supplied by others, they soon would be without ammunition. The fact here again was notoriously otherwise; for at this time they had powder actually made sufficient for all their armies for seven years to come, and saltpetre for seven more. They were making saltpetre at this moment with prodigious expedition, as well as other articles for carrying on the war; in which they were extremely right. By reflecting on these facts, ministers would see they had abominably misled the public, and brought the people to form very erroneous notions of the power of the French, and of the probable continuance of the war. The next thing, on which the public were deluded, was, that the army of France was in want of cloathing, and that they must perish in great numbers under the inclemency of the winter. So far was that from being the case, that he was assured, there was no army in Europe so well cloathed as the French troops; but supposing the French troops were badly cloathed, did their lordships imagine that men, fighting under the ardour of liberty, would feel the want of cloathing as much as mercenary troops must? The next thing insisted upon, as a proof of the weakness of the French, and of their inability to carry on this war, was, their want of money. This observation really surprised him. After what we had seen with respect to America, he really expected that such an idea would not have been hinted at. We all knew that money was not the only means of carrying on war; for money there were many substitutes to be found in pressing times; and as the late sir George Savile had said, "things that were much estimated in time of peace, were not so much wanted in time of war, and nothing was of so much value then, as the measure of estimation; and whatever we substituted for money was of that nature, and would always answer all the purposes of specie." But, in point of fact, there was no want of money in France; on the contrary, he would venture to assert, without fear of contradiction, there was more silver, more gold, and more bullion in France, than in

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the rest of Europe put together; some of this wealth they acquired by two measures, the one was a forced loan, and the other a voluntary one.—The point next to be considered, was that of the French assignats. This had been called last year "a gigantic system of swindling," and it was said would be destructive to the interest of the French; for that in reality these assignats were worth nothing, and that their imaginary value was diminishing daily. This idea had always appeared to him to be an erroneous one. He had said, last year, that, in a speculative point of view, French assignats were worth more than English bank notes. In this opinion he was confirmed; and their lordships would see the reason of it; at this moment assignats were 40 per cent. higher than they were six months ago. In another six months, probably they would be as much higher. Why, then, was an assignat better property to speculate in than a bank note? For a very plain reason—because a bank note for ten pounds to-day will be only worth ten pounds six months hence; whereas an assignat, of the value of ten pounds this day, may be worth thirty six months hence. So much for the wisdom of our legislature, in making a law to prevent the circulation of French assignats. Indeed, an act of parliament to prevent that, was absurd; and so was the other part of the same act which prohibited the sale of lands in France, which were the property of the nation; it had not the intended effect; for the sale of the French lands for the use of the French Republic, had actually taken place, notwithstanding our prohibitory statute. The produce of that sale would, perhaps astonish some of their lordships. The lands in question were estimated at the sum of 135 millions sterling. They sold for six times this estimated value. This was not all: for the lands of France were so much sought for by purchasers, that it was more difficult to obtain it, than in any other country; and it was sold there under circumstances that never distinguished the sale of land in any other country; for the land of the very camp of the Prussian troops was sold while they were in it. The next point on which a delusive expectation arose on the subject of the war, was, that the Prussian, Austrian, and English troops were disciplined to the very perfection of military tactics, and that the French were a disordered rabble. We had had, however, some experience which did not authorize this contempt of the French for the want of discipline; and he knew, from the information of an Austrian general, the combined troops were quite alarmed about the discipline of the French troops, as well as about their undaunted courage. Did their lordships want to know the facts on which these assertions were founded? Let them look at the latter part of this campaign. What did the Austrians say of the French? "We fight them on the Monday and defeat them; we fight them on the Tuesday and defeat them; we fight them on the Wednesday and defeat them. On the Thursday, they attack and defeat us. After a defeat, it takes us a month to be fit again for the field—they return to the charge in twelve hours." Such was the superiority of a military Republic over its enemies. He wished to know, since we were so much given to boasting, what superiority of discipline we discovered at Toulon? Had we terrified the French at that place, by our superior bravery and skill? On the contrary, the superiority of the French was manifested on that occasion; nor was it wonderful; what but confusion could have been expected, by any one accustomed to reflect, from the motley group stationed at that place to defend it? What but the most ridiculous disorder could have been expected from a mixture of English, French, Irish, Italian, German, and Piedmontese? No two of them understanding one another, and yet all called upon to understand every order that was given to them all; this must have produced an entertaining variety, and must have resembled the confusion at the Tower of Babel? All our plans at that place were said to be well laid; and yet we came back, without performing what we had solemnly promised to the French who received us. The next thing upon which the people of this country were taught to rely, for the success of this war, was, the want of corn in France; the proposition was, that the French should be starved into submission. Thirty millions of our fellow beings, the mass of whom could not possibly have offended us, were to be starved, because their form of government did not suit the political palate of a German despot! Such an idea was too horrid to reflect on, if it could be carried into effect; but the folly of the idea was without a parallel, and the plan would soon appear as absurd in effect, as it was infernal in principle; it had already united

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the French in many parts much more closely than before, and the Jacobins, who certainly had the ruling power in France, would be furnished with an apology for a measure, which would compel all who were able to bear arms, to take the field; for, under pretence of sowing the corn for the army, it might be difficult for the peasants to obtain bread without bearing arms for the Republic. But we had taken Toulon, which was a masterpiece of policy! Yes, we had, and had lost it; and there ended its history, except the expense which must attend it, and which must be defrayed by the people of England. — The noble lord, who seconded the motion for the address which that House had voted to his majesty, had observed, that in many things we were unable to imitate the French; that we could not rise in a mass as they did: that was certainly very true, and for which ministers had a reason, which they perhaps would not be very ready to assign; the truth was, they could not venture to arm the people of this country; or, if they did, even then the French would have a great advantage over us in that respect; for it was not in France, as unfortunately it was in England, with regard to the enlisting of soldiers. The soldiers with them were not enlisted for life, but only for a term of years. The consequence of which was, that a man, after serving a number of years, returned home to his department, and instructed young men in military exercises. There was another point, in which we could not imitate the French in carrying on this war; that was, the method of raising the supplies for it; and he would tell their lordships how stupid it was to suppose, that war could not be carried on without money. Enthusiasm produced prodigious effects; it made them bear all the evils of war, not merely without a murmur, but in many cases with pleasure. It suppressed the feelings even of parental affection. Of this, there was a memorable instance lately in France: Their lordships would recollect, there was some time ago, a report, that in a department in France, 600 young men had manifested a disposition to effect a counter-revolution. What was the effect? The parents of these young men appeared at the bar of the National Convention, and demanded, as an act of justice, that the heads of such traitors should be severed from their bodies, without distinction. Their lordships had read much of the heroic virtue of the ancient Romans. We had all read of, and had been accustomed to applaud, the conduct of Brutus; great and glorious as it was, it was, in comparison to this republican enthusiasm, almost cold and lifeless: Brutus was an officer, and in that character had certain duties to discharge? but these were private individuals who demanded the death of their relatives for the public good. Such were the men whom their enemies were to conquer by the efforts of mercenary troops! This was not all; for supposing all this enthusiasm to be worth nothing, were the French without means of procuring property to carry on the war? Those who thought so, would be sadly deceived. They have already taken the king's civil list, and they had taken a good deal from the clergy, and they might take a great deal more; what they already had taken from individuals would pay the expense of the next campaign; and resources of this nature were almost infinite among them. They had taken bells and cast them into cannon, which, by the by, was making them more useful to the Republic, than to have them dangling to steeples. Their silver saints too, they had pressed into the service, and had found their assistance beneficial. What was the treasure of the French? Their arms, their stores, their ammunition, their strength, their power, their numbers; but above all, their zeal and enthusiasm; such in the aggregate, as must render them invincible. These were things not to be imitated by any other people in Europe at the present moment. Had we any of this zeal, any of this enthusiasm, in the mass of the people? From all he could collect, there was no desire among the people to keep up the war.—There was a point almost entirely neglected by those who spoke upon the subject of the present war. Their lordships should recollect how long it was since the French revolution happened; those who were lads at that time were now become men; and those who were little children were become boys; it was upon these that the French chiefly depended; and their way of thinking upon political subjects differed widely from those moderate men who first brought about the revolution. They, many of them, were friends to a limited monarchy; but now the mass of the French was that of an enthusiastic repub-

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lic; and even among the few who might yet be moderate, the greater part were for liberty. This was an important point to be considered; much must depend upon the opinion of the French people at large, in a war where we insisted on their taking a certain form of government for themselves; and the opinion of the people at large might be pretty well discovered by the debates of the Convention, which, with other societies added to it, certainly had the whole of the government of France, and had possession, properly speaking, of the whole country; and unless they spoke the sense of the people, their power would soon be at an end. Let their lordships hear what was said by one of the members of the Jacobin club, and then judge what was thought of the qualification of a patriot in France at this time. "Let us" said, Du Bois Crancé "expel from this society every man who cannot prove an act which, if there were a counter-revolution, would entitle him to be hanged." This was well expressed by a man whose object it was to prove he was a true republican. I am, (said his lordship), ready to be hanged or guillotined for the cause of liberty myself: it is not what I wish or call for, but I hope if it became necessary, I should not shrink from it.

There was an opinion entertained some time ago, that ministers were advising his majesty to enter into alliance with foreign powers, for the purpose of forming a government for France. This being put to ministers, was peremptorily denied. He should now state the proclamation of lord Hood, on taking possession of Toulon: "Whereas the sections of Toulon have, by their commissioners to me, made a solemn declaration in favour of monarchy, have proclaimed Louis 17th, son of the late Louis 16th, their lawful king, and have sworn to acknowledge him, and no longer suffer the despotism of the tyrants which at this time govern France, but will do their utmost to establish monarchy, as accepted by their late sovereign in 1789, and restore peace to their distracted and calamitous country. I do hereby repeat what I have already declared to the people of the South of France, that I take possession of Toulon, and hold it in trust only for Louis 17th, until peace shall be re-established in France, which I hope and trust will be soon." Such was the declaration of lord Hood. If he had mistaken his instructions, ministers should say so, and the blame would attach upon his lordship. Last session when this subject was debated with us, what was the language held out by Austria and Prussia, with regard to a form of government for France? Despotism! What were their views when Dumourier corresponded with, and advised the prince de Saxe Cobourg—To establish despotism in France; and with these we had entered into alliance. Lord Hood, at Toulon, professes to want the constitution established in France in 1789, and accepted by Louis the 16th; and at this very time, ministers, at Whitehall, say to the French, "we will secure to you a monarchy at all events." How did the declaration of his majesty on the 29th of October last, tally with the proclamation of lord Hood at Toulon, who had expressly stipulated for the constitution of 1789? How did either of them agree with the proclamation of general Wurmser, which stated nothing but positive and unlimited monarchy? He must now take notice of the protection, which, on the part of this country, was promised to such of the French as would declare themselves in favour of royalty. Protection! What protection could we give them? Such protection, as we had already given. What had happened? Lyons, La Vendée, and Toulon; all these places had been entirely destroyed, and thousands had lost their lives in the course of the contest in each place. To hold out promises of this kind, when we knew it was out of our power to fulfil them, was highly immoral; inasmuch as it exposed thousands of deluded creatures to famine, despair, and death. He heard much of the monstrous government of France, and of the sanguinary decrees lately passed in the French Convention; but there was a distinction to be made between the real constitution of France, and the provisional government of France. The constitution of France was fixed, and definite, and at the head of it was the imprescriptible rights of man, which were of so excellent a nature, that he defied all the philosophers on earth to improve it. Here he read the declaration of the rights of man prefixed to the constitution. The basis of this declaration was liberty; and equality was a part of liberty. By equality was meant, not that all men should be equal in property, that was impossible; but meant that all men had an equal right, by talents and industry, to gain, and having gained, to keep their property; had an

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equal right to equal laws, and an impartial administration of justice. We were asked, what security could we have for a faithful observance of any treaty with the French? He would answer, the French constitution, which was a higher degree of security than any other power in Europe could give; because the constitution of France was the act of almost entirely the whole of the people of France. But that constitution the French had renounced solemnly, and for ever, all thought of interfering with any government but their own: this was manifested in the 118th and the 119th articles of that very constitution. This was not all; they had declared, that liberty is the power which belongs to man, of doing every thing that does not hurt the rights of another; its principle is nature; its rule justice; its protection the law; and its moral limits are defined by this maxim, "Do not to another what you would not wish done to yourself." This was the basis of the constitution of France. It was more; for it was the basis of Christianity itself; and yet the French people were called Atheists. The constitution of France was unalterable. With regard to the provisional government, under which head were to be taken all sanguinary decrees which had lately passed in the Convention; it was of a temporary nature, and might be repealed by the same authority that passed them. This provisional government was erected for the purpose of repelling their invaders. It was not to this provisional government that we were to look, but to the French constitution; many parts of which were founded on the principles of the British constitution; and as to these decrees, of which we had heard so much, as he had before observed, they might be repealed at a breath.—With regard to the charge of Atheism, so lavishly heaped on the French people, he might dispose of the whole of it at once, by saying, that we had nothing to do with the religion of any other country. But upon that subject, those who charged the French people with Atheism, were wrong: the truth was, there were some Atheists in France before the revolution; but who and what were they? Pampered, mitred priests, and aristocrats; none of what are called now the Sans Culottes; no, nor any of the middle class, by whom the nation is now supported. Aristocrats only were Atheists. In support of this, he would give their lordships an instance of what he himself witnessed, when at Paris on his travels. A company of people of fashion of both sexes met; there was present also a minister of a foreign court: the entertainment consisted of a debate, in which there were, as was generally the case in debating assemblies, two champions, from whom the company expected the greatest instruction or amusement, and some inferior orators, now and then to support some trifling parts. The question was not, whether there was or was not a God? But whether inculcating the doctrine that there was a God, was not too gross an imposture upon the credulity of mankind? One of these champions supported the affirmative of this proposition, and the other only thought it a harmless and justifiable imposture. In the course of this debate, none were more delighted than some dignified clergy who were present. [Here there were some murmurs in the House.] His lordship said, it was bad, very bad; and instead of entertaining him, excited his horror; but he related it, to show to the House that the Atheists in France were aristocrats, and for the purpose also of observing, that it was in France, as in most other countries, the middling and the lower classes had some reverence for religion, and that the charge of Atheism against the whole of the French people was, like many other charges against them in the mass, wholly unfounded. It was true, indeed, that religion had been treated with some levity among the French, and this was more occasioned by the clergy themselves, than by any other class of men; they made a mere trade of religion, for the purpose of deluding the populace; and they kept up, by fanaticism, a system of deception for the most infamous purposes; they taught the poor and simple creatures who bore arms for a standard of royalty in France to depend upon the religion for which they fought, and pretended, by the most barefaced tricks, to perform what could not be done by natural agency. This would be evident, by a list of the tools of their trade, which had been taken in a camp belonging to some of these royalists—

The Bishop of *Durham* said, he could not sit still to hear any more of what the noble earl proposed to deliver upon the subject of religion; it might, perhaps, be well adapted for the amusement of the National Convention, or the club of Jacobins, but it appeared to him to have no

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connexion with the motion with which it was understood the noble earl was to conclude.

Earl *Stanhope* said, he really meant nothing disrespectful to religion; he only meant to expose some of the very shameful tricks of its professors. But, to proceed to his motion. He thought it his duty to make it; for, in his conscience he believed that this war was entered into by misconception, and had been carried on by misrepresentation. The calamities already attending it were dreadful and alarming; a continuance of it might be the ruin of the country. He should conclude with moving, "That an humble Address be presented to his majesty, humbly to represent to his majesty, that the French nation have expressly recognized the sacred principle, that no country ought to interfere with the internal government of another independent state, and that by the new constitution of France it is declared, that 'The French people is 'the natural ally of free nations; that it 'does not interfere in the government of 'other nations, and that it does not suffer 'that other nations should interfere with 'its own;' and humbly to beseech his majesty, in his equity and his justice, immediately to acknowledge the French Republic, and thereby to lay the foundation for a speedy reconciliation and a lasting peace."

Lord *Abington* said, that if the noble lord's motion had been that the present Republican anarchy of France was the fittest government for the blood-thirsty robbers and impious murderers of that country, and that we, acknowledging this, should bind ourselves to keep them in that state as the one best adapted for such a race of monsters, and not suffer them to have a monarchical or any better form of government whatever, he would, with heartfelt pleasure and satisfaction second the noble lord's motion; but the motion being what it was, in his opinion, the best argument against it was—a good loud horse-laugh.

Lord *Darnley* opposed the motion as being extremely dangerous at the present moment, and dissented so far from the sentiments of the noble mover, that he thought that the minister who should propose either to treat for, or accept peace, with the French government would deserve to lose his head.

The motion was negatived.

Earl Stanhope's Motion respecting Mr. Muir's Trial.] Jan. 31. Earl *Stanhope* rose and observed, that he did not suppose he would be contradicted, when he asserted that an examination into the practice of the courts of justice of this kingdom, and whatever appertained to them, and the conduct of the judges, were important trusts, and such as involved their lordships in a correspondent and essential duty to examine into either with care and deliberation, when any thing occurred which had the semblance of injustice or oppression. The question which he should submit to their lordships, was one to which from its singular oppression, he could not suppose that they were strangers. If it were asked, if he had a precedent for what he was going to move, he would reply that, in his mind, precedents were unnecessary, where oppression was great, or misconduct manifest; for it was the inalienable right of the people, not to hold precedents necessary, where Magna Charta was abused, or the laws stretched to a degree unjustifiable. If, therefore, some noble lords required precedents to bear him out in his arguments, he would meet them on this ground, and state three, which were strictly in point. In the reign of William and Mary, there were four acts passed to reverse four different attainders. Three of these, particularly, must occur to the mind of every noble lord present. They were those which referred to alderman Cornish, Algernon Sydney, and lord Russel, who were charged with sedition and treason. In 1689 a bill was brought in to reverse the sentence of the court against Alderman Cornish. [Here the noble earl called upon the clerk of the House to read extracts from the Journals in corroboration of his assertions]. From these precedents earl Stanhope proceeded to observe, that the bill for reversing the attainder against alderman Cornish, passed the Lords in four days, and was sent down to the Commons for their concurrence. The attainder against Algernon Sydney and lord Russel were also made void by a similar process, in consequence of the recommendation of his majesty. These were the grounds on which he would bring forward his motion with respect to Mr. Muir, the proceedings against whom, he pronounced to be of the most unjustifiable nature, that ever came before a court of justice. In this unexampled trial, the lord advocate was suffered to bring forward every circum-

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stance which he thought necessary to criminate the panel; and though the most prominent charges brought against him on his trial were not contained in the indictment, still the panel, who, according to law and justice, ought to have availed himself of the circumstance, was not admitted to do so, because the lord advocate declared, that if the charges were then inserted, the indictment would cover the walls of the court. What would their lordships say to the managers of the impeachment, if they had omitted several of their most important charges against Mr. Hastings, and afterwards attempted to prove him guilty thereon? Surely their lordships would not suffer them to profit by their own negligence? Nothing could be more absurd, or derogatory to the principles of law, or of common sense. But the principle, when attempted to be established on the impeachment, was four several times repelled by their lordships in the case of Warren Hastings. His lordship read a statement of what passed in Westminster-hall, in each of the instances he had referred to, and mentioned the resolutions of the House, on each occasion, delivered in Westminster-hall by the lord chancellor. Now, if this could not be suffered in the case of Mr. Hastings, who was to have months, and even years, to prepare his defence, how much more forcibly did it apply to Mr. Muir, who was to answer on the moment. It was inconsistent, too, with the practice of Scotland; for an indictment was made out, the facts alleged were set forth, and a copy of this was given to the defendant. Why? That he might know the crime with which he was charged in time to prepare his defence. But what would their lordships say when they heard that facts were brought forward in evidence not charged in the indictment? This was not all; Mr. Muir was obliged, by the practice of the court, to give in a list of the witnesses the day before the trial. Then, after seeing all that he meant to prove in his justification, the prosecutor was suffered to bring forth new facts against him, of which no notice had been given him, under the pretext of their being collateral to the main point, and for which he could not, even if he had had a hundred witnesses in the court that could refute them, have adduced any of them, because their names had not been given in the day before. By this means the gentleman was entrapped in a manner most outrageous to all ideas of common justice.—There were other circumstances in this trial equally at variance with all the principles which we reverenced; and the same facts occurred in the trial of the rev. Mr. Palmer, a man of most disinterested integrity, and whose conduct was so exemplary, that he could not avoid specifying an instance. He was patronised by the late duke of Rutland, who proposed to give him a valuable living; but from motives of conscience he refused it. Another and a most affecting proof of his integrity, and of his amiable manners, was, that a young gentleman whom he had educated, of the name of Ellis, was so attached by gratitude and esteem to his honoured master, that he had determined to abandon all his connexions in life, and to accompany Mr. Palmer in his exile to Botany Bay. This endearing instance of generous attachment he mentioned to prove, that this dreadful sentence, after a trial so extraordinary, had been passed on a most venerable and admired character. In his instance, there had been a misnomer. The objection was over-ruled; they tried him by the false name, but when they came to pass sentence, they took care to call him by his real name; thus the person who was punished was not the person who was tried. Challenges, too, were made of several of the jurors, upon grounds that ought to have been irresistible; nay, one of the jurors felt the force of the objection so strongly, that he requested permission to withdraw; this was over-ruled. If all this was the law of Scotland, he would only observe, that Scotland had no more liberty, than it had under the race of the Stuarts. All that he contended for was, that they should inquire into the trials. He desired only that the sentences passed against these persons should not be put in execution until their lordships should have time to inquire, for nothing was more clear than that they ought to prevent the evil consequences of these harsh and indiscreet proceedings; not to suffer them first to take place, and then find that they were wrong. He had some similar motions in his hand, for the four cases that had already occurred in Scotland, of Mr. Muir, Mr. Palmer, Mr. Skirving, and Mr. Margarot. He concluded by moving the first, "That an humble address be presented to his majesty, humbly to represent to his majesty that this House has been informed that Thomas Muir, esq. who was tried before the high court of justiciary at Edinburgh, in the month of August last,

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upon a charge of sedition, has been condemned and sentenced to be transported beyond seas, for the space of fourteen years; and farther to represent to his majesty, that this House intends to proceed, without delay, to examine the circumstances of such condemnation and of such sentence; and therefore humbly to beseech his majesty, that the said Thomas Muir, esq. may not be transported beyond the seas, until this House shall have had sufficient time to make such examination."

The Earl of *Mansfield* was never more astonished, than he was at what had fallen from the noble earl. It was a heterogeneous mixture of he knew not what, founded on flights of fancy that soared beyond the comprehension of reason. To follow the noble lord through the wilderness of his imagination, would be to lose sight of the beaten track of common sense, and stray into the unfrequented paths of wild imagination. The attention which he took the liberty to claim at present, respected what the noble earl had advanced on the subject of the justiciary courts of Scotland, and to this he could take upon him to answer, that in no court under the glorious constitution of this country, had justice been administered with more fidelity. Whenever the noble earl thought proper to bring the proceedings of that court before their lordships' tribunal, he pledged himself to justify the proceedings of the court below, and clearly demonstrate, that the sentences lately passed by the court of justiciary were strictly conformable to the law of Scotland. As to what the noble lord had advanced respecting Algernon Sydney, lord Russel, &c. that was totally irrelevant to the question. The present culprits were to be tried by the laws of Scotland, and not of England. Did the noble earl wish to try delinquents in Scotland by the laws of England? Did he wish to deprive them of their own constitution, and subject them to laws to which they never, in their representative capacity, assented? If he did not, then the present motion was ridiculous in the extreme; for it went to this purport, that the House should without any document to ascertain a fact, address his majesty to postpone the sentence of a court of justice. The courts of Scotland, like the courts of England, were open to revision of any sentence, if that sentence was deemed unjust; but instead of the regular application by writ of error, or by appeal to the throne, an attempt was set on foot, by unfair accounts of the trial, to excite the people to rebel against the justice of the sentence. God forbid, that the judges should have their characters weighed by the editors of newspapers: justice would then be, as in France, at the mercy of interested individuals. To the present motion he should give his decided negative.

The Duke of *Norfolk* said, that had the fact, with respect to the admission of evidence of things not contained in the indictment, been brought before them by petition, he should have thought it his duty to go into the inquiry, but he could not entertain it as brought forward in the motion.

The Earl of *Lauderdale* said, he had endeavoured to persuade the noble lord not to bring forward the important question in a way in which it could not be entertained; and even now he hoped he would withdraw it, that it might be brought forward in a more regular way. It was no wonder that these trials had so warmly interested the feelings of mankind, since, that men in Scotland should be transported to Botany Bay for fourteen years for what in England had raised others to the most splendid situations, was calculated to excite surprise, and even more unpleasant sensations. There were circumstances attending these trials, which were most dreadful in their nature, and reflected no small disgrace on the jurisprudence of Scotland; he alluded to witnesses, who were produced against the panel, being threatened with imprisonment for life, if they did not disclose every thing required by the court of justiciary.

The *Lord Chancellor* said, that in the situation in which he stood, it became him to deliver a few words on the most extraordinary motion he had ever heard; for granting even that there had been in the cases alluded to, a mis-trial, that any doubts were entertained of the legality of any part of their proceedings, that the verdict of the jury had not been justified by the evidence, that the conduct of the judges had in any degree been founded in misapprehension of the case, that there had been a misapplication of the law, or, in short, if there had been any thing irregular in the trial, verdict or sentence, there was a remedy provided by the con-

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stitution, for bringing the whole into revision. But who ever heard of an address being moved for in this House, to pray his majesty to postpone the execution of a sentence? Nothing was more certain than that human judgment might err; and not a year, not an assize, not a term almost passed, without instances of cases being brought into that state, when one judge was happy to have his judgment revised by his brothers, and when, by more deliberate discussion of a question, any error into which he might have fallen might be corrected, to the ease and remedy of the parties concerned. Cruel and hard would be the situation of a judge, if such means were not given him, of retracting any misapprehension or error into which he had fallen. What was the way in which this was to be done? By the person who stood convicted by a jury of his country of a crime, presenting a petition stating the hardship of his case, and praying his majesty to interfere with the gracious exercise of his prerogative. Was it so here? Had any petition been presented by the persons tried in Scotland? No such thing. He could take upon him to say, that such was the anxiety of those whose duty it is to advise his majesty in that to which his own disposition so constantly leads him, for the clear ascertainment of the legality of the sentences in question, that though no petition had been presented by the parties, an inquiry had been made; and he would take upon himself to say, that when this paper should be laid before their lordships, they would see that no pains had been spared to determine whether any circumstances had occurred either of irregularity in the trials, or of illegality in the sentence. If ever their lordships should think proper to entertain an inquiry into the case, he would pledge himself that they should find the conduct of the judges of Scotland had been such as their lordships would always desire to find in men entrusted with functions so important. The noble earl had referred to resolutions of that House, as a ground for arraigning the proceedings on the trials. The Scotch judges neither could know officially, nor be guided by any resolutions of that House; they could act only by the practice of their own court, and it was certain that all the instances quoted by the noble earl were clearly within such practice. The lord advocate had a right to prove facts collateral with the main fact, though not specially stated in the indictment, With respect to the mismomer, though such an error would be fatal in the strict proceedings of the English courts, it was not so in Scotland: it was their doctrine, that the identity of a person was better proved by his joining issue in the trial, and thereby acknowledging himself to be the person meant, than by being perfectly correct in the spelling of his name. In the same way with respect to the challenges, nothing could be more absurd than the grounds on which they were made. To challenge jurors because they had entered into associations, was in fact to challenge all that was respectable in the country; for almost every man of rank or respect, had at that time associated for the purpose of supporting the constitution. In short, all the objections which had been made against these trials were something in the nature of the speech of the man, who being put on his trial, said, he would swear the peace against the judge, for he had a design upon his life.

Lord *Thurlow* agreed that nothing was more becoming their lordships' wisdom and prudence, than to be careful how they gave countenance to reflexions rashly thrown out on the administration of criminal jurisprudence. It was of the utmost consequence to the good order and well-being of the country; and indeed its prosperity depended on the confidence which men had in the purity with which our laws were administered. Their lordships would therefore be always indisposed to any motion of censure, made lightly, against judges; and he could not help saying that the present motion, from the manner in which it was made and supported, was of that sort, for the noble earl had referred their lordships to four acts reversing judgments of attainder passed in 1689. Their lordships would recollect the period at which these acts had passed; it was immediately after the revolution, when a very just and violent ferment existed generally in the minds of the people in consequence of the most cruel, vindictive, and unprincipled administration of justice, that had ever been practised in any country. Would it be fit that their lordships should now make a resolution, grounded on an analogy between the judgments lately passed in Scotland, and the proceedings which these four acts reversed? The natural consequence of

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such a resolution would be, to disturb the confidence which men had in the administration of justice, to deprive the magistrates of the just authority which they ought to possess in the exercise of their functions. He agreed with the noble earl in the general doctrine which he had laid down with respect to criminal accusation. Whenever a man was charged and put upon his trial for a criminal offence, every tittle of that offence ought to be precisely described in the indictment, so as to be previously made known to him, that he might prepare his answer and defence; and it was equally a clear principle in criminal jurisprudence that no one article should afterwards be added, so as to take the defendant by surprise. And this was not only the uniform practice of the criminal courts in England, but it was also a principle generally in the law of Scotland. In one particular instance in the criminal law of Scotland, that which in their law is called art and part, and which is equivalent to what in England we call accessary before the fact, a greater degree of generality and looseness was permitted, than is suffered in England, or than in any other part of the Scots criminal law. This was done by an act of James 6th, the preamble of which sets forth, that, whereas it was difficult to prove the crime of art and part, if the same precision in the statement of facts was required that was necessary for other species of guilt, it permitted them to charge art and part generally without enumerating the particular facts that constituted the *corpus delicti*. It was fit, for the better understanding the question, that their lordships should know the manner in which the indictment was made up in the Scots proceedings. The indictment begins with setting forth the *corpus delicti*, which they call the major proposition of the syllogism, and this is alleged generally; it then proceeds to the minor part of the syllogism, in which are enumerated all the facts, which if proved, go to constitute the general charge, or major of the proposition. This *corpus delicti* the judges first found; that is, they declared whether they found the charge was relevant, and whether, if the facts of the minor proposition were proved, it amounted to the species of crime libelled in the major part of the syllogism, and inferred the punishment belonging to such crime. The judges having found the relevancy, referred the whole to the jury, who had to decide on the whole case, and who, from the evidence were to find a verdict accordingly. The criminal law of Scotland in this case had never been, according to the Scots judges, what had been supposed to be the law of England in certain questions. It was impossible to deny with sir George Mackenzie, whose name deserved much higher praise and more respectful treatment than it had lately met with, that there was a degree of harshness in charging a man generally as art and part in a crime, without specifying the facts which constituted the crime; but until he should hear that a defendant had applied to the discretion of the judges for relief, from actual hardship under the severity of this statute, and that they had refused it, he certainly should not consider it as a charge against the judges, that a person had been so tried. It was the statute law of the land, and the learned lord on the woolsack had truly said, that the question was not whether the law itself was severe or not. With respect to the observation of the noble earl, that a misnomer in the case of one of the persons had not been permitted to operate in his favour; to this, he said, that undoubtedly in England, if pleaded, the indictment would fall to the ground; but in Scotland less strictness was required; and whether our strictness or their looseness was most favourable to substantial justice, he would not stop to inquire, for the question was, whether they had acted conformably to their own practice. So far as he could judge from what he had read of the proceedings on the trial, the counsel for the defendant seemed themselves not to have persisted in the objection, probably because they knew that it would have only occasioned a new indictment, and given an interval of 15 days. The specific crime charged on the gentlemen whose cases had produced this discussion, was that of verbal sedition, which seemed by the Scots judges to be considered as an offence at common law, an opinion which it would be presumptuous in him to controvert, though it seemed to him, it had no higher origin than the statute of James the 1st. against leasing making, as the statutes of Edward 1st, and of *scandalum magnatum*, were the foundation of our law of libel. The term "verbal sedition" was indeed improper because figurative and metaphorical; the true crime of sedition was well defined and understood in the Scots law, and

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clearly answered to what were here called routes, or unlawful assemblies, where the people were stirred up to riotous acts against the peace, and which in both countries was clearly distinguished from the crime of high treason, which required either an overt act of compassing the death of the king, of levying war, &c. This act of James against leasing making had subjected the criminal to capital punishment; but by the 3rd of queen Anne, it was reduced to the level of what in England we called misdemeanor, and restricted to an arbitrary punishment of fine, imprisonment, or banishment. If these persons had been tried in England for the same offence, they would have been tried for misdemeanor; and if convicted, would have received the sentence commonly annexed to such guilt. What particular circumstances there might be in the temper and disposition of the people of Scotland, in the nature of the case, or in the general state of the kingdom, to induce the judges of Scotland to inflict the very severest sentence within the grasp of their discretion under the act of queen Anne; whether that act gave them any such discretion, or what additional latitude they conceived to derive from the act of the 25th of his present majesty, it was not for him to determine; nor indeed was it the business of this day to inquire. It was always his wish to believe that judges acted with a sound discretion. It was idle to say, however, that lapses did not accur to judges, and that errors were not incident to all human tribunals, as well as to all human conduct; judges would be placed in a most unfortunate situation, if opportunities were not furnished them to re-consider their conduct, so that they might not persist in error. The learned lord on the woolsack had truly said, that in all cases where the judges had either mistaken the law or abused their discretion, the constitutional course was, for the persons aggrieved to petition his majesty for redress; whose gracious inclination and undoubted prerogative it was not only to temper the harshness of legal judgments, but to prevent the erroneous decisions of his courts of criminal justice from being oppressive to his subjects; and nothing was so wise as the gracious exercise of this prerogative, for it tended to preserve that confidence in the due administration of the laws, which was so necessary to the well-being and order of society.

The question being put, their lordships divided: Contents, 1; Not Contents, 49.

Protest respecting the Trial of Mr. Muir.] On the rejection of earl Stanhope's motion, the following protest was entered on the Journals:

Dissentient.

1st, Because the attending to the due administration of justice, and the watching over the conduct of the various courts in this kingdom, is one of the most important branches of the business of this House, and is at all times also one of its most essential duties. 2, Because it obviously appears to be proper to examine into the justice and legality of a sentence, before it is executed, and not to permit it to be executed first, and then to examine into its justice and legality afterwards. 3, Because, for want of such timely interference on the part of this House, it has formerly happened, that, within a short time, no less than four unjust and illegal judgments were actually carried into execution, as appears from the respective attainders of the innocent sufferers having been afterwards reversed and made void (when it was too late) by four acts of parliament, made and passed in the first year of the reign of their late majesties king William and queen Mary, namely in the cases of alderman Cornish, Alice Lisle, Algernon Sydney, and lord Russel. 4, Because it is contrary to the first and immutable principles of natural justice, that any thing to the prejudice of a defendant should be brought before a jury in a criminal prosecution, that is "only collateral, not in issue, nor necessary in the conclusion." 5, Because it is not (nor ought to be) competent for the prosecutor to produce any evidence to support any matter that is not charged in the indictment: that is to say, distinctly and precisely charged, and not by mere epithets or general words, such as oppression, sedition, vexation, or the like. 6, Because, in like manner it is not (nor ought to be) competent for a prosecutor to produce any evidence to prove any crime to have been committed by a defendant in any other particular than that wherein it is in the indictment expressly charged to have been committed. 7, Because no such proceedings as those above stated, nor any of them, can be justified under pretence, that "If it had been necessary to specify in the indictment all the facts against the defendant, the indictment

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would have covered, by its magnitude, the walls of the court." And 8, Because in one year of the trial of Warren Hastings, esq., namely in the year 1790, there were no less than four decisions of the House of Lords upon this subject, viz. on the 25th of February, when the lords resolved, "That the managers for the Commons be not admitted to give evidence of the unfitness of Kelleram for the appointment of being a renter of certain lands in the province of Bahar; the fact of such unfitness of the said Kelleram not being charged in the impeachment." And again on the 4th of May, when the lords decided, "That it is not competent to the managers for the Commons to put the following question to the witness upon the seventh article of charge, viz. Whether more oppressions did actually exist under the new institution than under the old?" And again on the 18th of May, when the House of Lords resolved, "That it is not competent to the managers for the Commons to give evidence of the enormities actually committed by Deby Sing; the same not being charged in the impeachment." And again on the 2nd day of June, when the Lords resolved, "That it is not competent for the managers, on the part of the Commons, to give any evidence upon the seventh article of the impeachment, to prove that the letter of the 5th of May 1781, is false, in any other particular than that wherein it is expressly charged to be false." The said decisions of the House of Lords are founded upon principles not peculiar to trials by impeachment. They are founded upon common sense, and on the immutable principles of justice. In Scotland those principles are peculiarly necessary to be adhered to, inasmuch as by the laws of that part of the kingdom, a defendant is obliged to produce a complete list of all his witnesses in exculpation, the day before the trial. That alone appears to me a considerable hardship. But if, after such list is actually delivered in by the defendant, any facts (or supposed facts) not particularly set forth as crimes in the indictment, may, on the following day, for the first time, and without notice, be suddenly brought out in evidence upon the trial against the defendant; such defendant, from such an entrapping mode of trial, may be convicted, although innocent. Such proceedings (whether supported or unsupported by any old Scotch statute passed in arbitrary times) ought, I conceive, to be revised. For, in a free country, there ought not to be one mode of administering justice to one man, namely, to Mr. Hastings, and an opposite mode of administering justice to another man, namely, to Mr. Muir.

STANHOPE.

The King's Message respecting the Disembarkation of Hessian Troops.] Mr. Secretary Dundas presented the following Message from his Majesty.

"GEORGE *R.*

"His Majesty thinks it proper to acquaint the House of Commons, that a corps of Hessian troops, taken into the pay of Great Britain, to be employed on foreign service, having been brought to the appointed place of rendezvous off the Isle of Wight, his majesty has found it necessary, with a view to the preventing any sickness taking place among the said troops from their continuance on board of the transports, to order them to be disembarked, and to be stationed, for the present, on the Isle of Wight, at Portsmouth, and at places adjacent. G. *R.*"

Debate in the Commons on the Treaty with the King of Sardinia.] Mr. Pitt having moved, "That the copy of the Treaty with the King of Sardinia be referred to the committee of supply,"

Mr. *Fox* said, he considered this treaty to be one which his duty to his constituents did not permit him to assent to without some observations, and a satisfactory answer to those observations. He had never conceived that it could be wise to enter into any treaty by which we were to receive nothing and to give every thing, or to bind ourselves to maintain a perpetual war for the benefit of the party with whom we contracted, without something stipulated in our favour that might be held an equivalent for so hazardous an engagement. When he looked at the treaty, he should have supposed that the king of Sardinia had it in his power to put into our possession the port of Nice, or to afford us an easy passage into France through his territory of Savoy. These, indeed, would have been advantages for which we ought to have given something in return; because, under certain circumstances, they might have contributed much to the facility of carrying on a war with France. But, when he recollected the circumstances under which the treaty was made, he found that the king of Sardinia had lost

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both Nice and Savoy before we thought of entering into any negociation on the subject. He admitted that the assistance of the king of Sardinia might be useful in the prosecution of the war; but in obtaining assistance we ought to estimate the benefits on either part, as well what we gave as what was to be given us. By this treaty the king of Sardinia was bound only to maintain 50,000 men for the defence of his own territories. If we had expected any thing more of him we had been miserably disappointed; for that part of France which was justly supposed to have been the most averse from the present reigning system in Paris, and therefore the most likely to enter into our views, far from receiving any support from the king of Sardinia, had been left to pay the forfeit of what the Convention called treason to the republic. What, then, did we gain by this treaty, in stipulation or in fact? That the king of Sardinia should keep up a force to defend his own territories. What did we engage to perform? Not only to pay a subsidy of 200,000*l.* a year, in aid of maintaining this force, but to restore to the king of Sardinia all those territories which the French had wrested from him, while we were sitting quietly by and boasting of our neutrality. Unless we could afford to make war for ever; unless we supposed ourselves exempted from the ordinary vicissitudes of human affairs, we might be reduced to purchase peace by great sacrifices on our own part, in order to make good our engagements with the king of Sardinia, or to subject ourselves to the reproach of breach of faith, by making peace without obtaining the restoration of his territories. One would have thought, that for all this the king of Sardinia was to do something of equal importance for us; but in the treaty we looked for an equivalent in vain. We were not only to pay him for keeping up a force to defend the territories he had still remaining, but bound ourselves to make peace without restoring to him the territories he had lost. For the sake of argument, he would admit that the restoration of Savoy to the king of Sardinia was necessary to the balance of Europe, and that no peace ought to be made with France but upon that condition. Why, even in this case, fetter ourselves with an engagement which we could not possibly know that we should be able to fulfil? When the time of treating for peace came, with how much more advantage, and how much more honour to ourselves, should we have said, "The king of Sardinia is not to be oppressed because he is weak. In all transactions between nations, justice is to be regarded as well as power. The restoration of Savoy is demanded by justice, and essential to the future tranquillity of Europe. We shall listen to no propositions for peace of which this is not a preliminary." With how much more advantage and honour might we thus have stipulated for the restoration of Savoy, if this miserable treaty had never been made. We should then have stood forward as the protectors of the weak, and the defenders of the balance of power. Now, we had not given, but sold our assistance to the king of Sardinia—and sold it, for what? For nothing. Ministers having done this, and the House having sanctioned it, they were next to call upon the people of England to pay a subsidy of 200,000*l.* He knew, that in every war to be carried on by a confederacy, we must pay the weaker powers whom we engaged in that confederacy; but we were not certainly to pay them all; nor those whom we did, for defending themselves. Did we suppose, on the present occasion, that the king of Sardinia had no inclination to defend his own dominions? If we did, our money should have been asked for as a grant, not as a stipulation which was to involve us in difficulties of a thousand times more consequence than the value of our money. We could not, however, suppose that the king of Sardinia was not inclined to defend himself, without our paying for it. Our treaty, therefore, was not a purchase, for we did not buy the king of Sardinia's inclination: nor was it a gift, for we, the givers came under an obligation to the party to whom we gave. It might be said, that the treaty bound the king of Sardinia to continue the war as long as we might think fit, even after he himself might wish to conclude it. If this was what we had gained by the treaty, would not the neutrality of the king of Sardinia have been more beneficial and far less embarrassing? It would not be argued, that there was any chance of a separate peace between the king of Sardinia and France; or that the king of Sardinia had any prospect of recovering Nice and Savoy, without our assistance. What, then, had we done? If the recovering of his territories was of more importance to the king of Sadinia than it could be to us, we had given a subsidy, where we ought to have received one.—He should perhaps

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be told, that the treaty being concluded by his majesty, the proper representative of the country in all transactions with foreign powers, the House could not refuse to ratify it, without subjecting themselves to the imputation of a breach of faith. This doctrine he must peremptorily deny. If the House was considered as bound to make good every treaty which his majesty, by the advice of his ministers might think proper to conclude, there was a complete surrender of the public purse to the executive power. Mr. Fox concluded with observing, that having thus briefly stated his objections to the treaty with the king of Sardinia, the other treaties, particularly that with his Sicilian majesty, were not to be considered as having his approbation, because he did not state his objections to them at the same time.

Mr. *Powys* said, he had been surprised, on a former occasion, to hear the treaty with Sardinia called unprecedented and iniquitous. The epithet "unprecedented," applied by the right hon gentleman, so fond of harsh epithets, was now abandoned. It was natural for the right hon. gentleman, and those who, like him, opposed the principle of the war, to oppose every measure that could contribute to its success. On the contrary he, who thought that our commerce, our constitution, our liberty, and religion, depended on the vigorous prosecution of the war, could not oppose any treaty that seemed likely to render it successful. To prove that the treaty was not unprecedented, he appealed to former treaties with the king of Sardinia and with Portugal. He requested gentlemen to recall to memory the construction of the treaty with Portugal upon the Spanish succession, the treaty with Savoy on the grand alliance, and the treaty of Worms in 1743. These treaties had been ratified by the members of the cabinet at that time, and sanctioned by the House without any debate. When, by the treaty of 1704, we obtained the accession of the king of Sardinia to the grand alliance, the war then depending was of the same nature with that in which we were at present engaged. We were fighting for our independence as a nation, and the tranquillity and liberties of Europe. Compare the dangers with which we were threatened by the ambition of Louis 14th with those which we had to dread from the present rulers of France; men whom he could not dignify with the name of barbarians, who were allied to civilized nations only by their vices. Compare our present dangers with our former, and see how much greater ought to be our exertions. So striking was the difference, that in the present war of necessity, he would say, Let every man who can furnish money, furnish money; let every man who can furnish a shirt, furnish a shirt. He conceived it to be an essential part of the policy of all nations, that in a war of defence, assistance was to be obtained wherever and however it could be had; and that those of whom we received assistance were to be assisted in return. Might we not, then, in any instance, commute succours in money for succours in men? The subsidy granted to the king of Sardinia was not for his own defence only, but for the general purposes of the war. He held as high as any man the right of parliament to refuse supplies; but to refuse the sanction of the House to this treaty would be to loosen the bands of the combination now so fortunately formed to resist the madness and anarchy of France. To dissolve this combination might suit the views of those who thought that we had no interest in what was passing on the continent, and that the narrow channel by which we were divided from it was a sufficient protection.

Mr. *Ryder* said, that accustomed as he was to a profusion of epithets from the right hon. gentleman he did not expect to hear the epithet "unprecedented" applied to the treaty with the king of Sardinia. If the right hon. gentleman had taken the trouble of consulting former treaties, he would have found in them every article which he stated as objectionable in this. Treaties supported by the first statesman this country ever saw, or Europe ever gloried in, were not to be stigmatized as unprecedented or iniquitous. In every war with France, the alliance of the king of Sardinia had been considered as of the utmost importance. When a nation like France was aggrandizing her power, and threatening the subversion of every state, there certainly was a necessity for raising the utmost strength to oppose her progress. The treaty was called injurious. In what respect could it deserve this epithet? Did not the Sardinians co-operate with us at Toulon and in the Mediterranean? Was the capture of Toulon nothing? Was the burning of the French navy nothing? Did they not still continue to assist us? It was by the combination of many weak powers that stronger ones had

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ever been subdued. He had heard it stated, that Sardinia, so small and so defenceless, could not avail us in any instance. How! Were not the Milanese and Montserrat protected by her? Were none of her commodities to be estimated? Her corn, her wine, her olives, her fisheries and cattle, all, by her alliance, were obtained for the supply of our fleets in the Mediterranean, and was it not of consequence to prevent the French from obtaining the rich supplies which they might have drawn from this quarter? The treaty had been called the purchase of an inclination to defend her own territories. True it was so. But although Sardinia had the inclination to defend her territories, she assuredly had not the power, and therefore our assistance became necessary. Sardinia, in 1703, stipulated to raise 45,000 men for the sum of 200,000*l.* whereas she now raised 50,000 for the same sum. At that time the other allied powers had likewise paid subsidies, all of which were purposely and solely made for the defence of the Sardinian territories, and surely if at any period the defence of these territories was necessary, it was more particularly so at present. With respect to the stipulation, that peace should not be concluded, without the restoration of all the territories of the contracting parties, it was the practice in every such treaty. If we were not bound by treaty, we should be bound by policy, to prevent France from multiplying her ports in the Mediterranean by keeping possession of Ville Franche and Nice. If we should bring France to negociate for peace with a government, considering, itself under obligations to the combined powers; or if we should compel the present anarchy of France to sue for peace, would not Nice and Savoy in either case be restored? If unfortunately we should be obliged to treat on other terms, then all security for the balance of power, all security for our own tranquillity must vanish; and under such circumstances the king of Sardinia would not desire the continuance of the war. Whether, therefore, we were successful or unsuccessful, our stipulations to the king of Sardinia could not militate against our interests.

Mr. *Grey* said, that in no question of giving energy to the operations of war had his right hon. friend, or those who acted with him, given any opposition. The question now to be debated was, "Is this a treaty calculated to give energy to the war?" the epithet, "unprecedented" his right hon. friend had never used, or had used it only to say that he hardly knew any thing that could be called unprecedented. But if his right hon. friend had used that epithet, he must hear many more circumstances than had yet been stated before he could think that it did not apply, as well as the epithets "absurd and iniquitous." To prove any resemblance in point of precedent between this and former treaties, it must be proved that they were concluded under circumstances nearly similar. All the arguments of gentlemen on the other side had proceeded on the presumption that they were so. At the time of concluding one of the treaties referred to, instead of finding the king of Sardinia actually engaged in war with France, and part of his territories taken from him, we found him the ally of France, and gave him the terms stipulated in that treaty as the price of breaking his alliance with France and taking part with us. In default of other arguments, the favourite topic was resorted to, which, as had been justly said, made men's passions instruct their reason; and the House was told that the anarchy of France was more dangerous than the ambition of Louis 14th. What was the nature of our contest with that monarch? A contest for our constitution, and our liberty; for the independence of every state in Europe. What more could our contest be now? At the time of concluding the treaty of Worms, the king of Sardinia was engaged in war, and had lost part of his dominions. To that treaty, however, the queen of Hungary our ally was a party. Did it appear that our present allies were parties to the present treaty? If the precedent were as apt as gentlemen could desire, did it follow that a bad treaty concluded then would justify the conclusion of a bad treaty now? He admitted that Savoy ought to be recovered for the king of Sardinia. But this ought to be made a general object of the confederacy against France, as was done by the treaty of Worms. The other combined powers might have concurred with us in this object; but this did not appear by any information of which the House was in possession, and until he was assured of it, he must consider the present treaty as iniquitous and absurd. Was it necessary to give all that was given by the treaty to the king of Sardinia, to induce him to join the grand alliance? If it was necessary, he should still complain

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that in giving it we bound ourselves down to terms injurious to our own interests. Those ministers who saw Savoy taken from the king of Sardinia; who after it was taken, boasted of their neutrality, and never said a word about recovering it, till they had prevailed on the king of Sardinia to accept of a subsidy, coupled with a stipulation that it should be recovered, now came to demand the assent of the House to their treaty. He did not grudge the 200,000*l.* a year; it mattered not much whether the sum was too great or too small: but he would not agree to take a shilling out of the pockets of his constituents, to make good a treaty concluded without a due regard for the benefits they were to receive in return to what they were to pay.

Mr. *Canning* rose for the first time. He said, that if he could agree with the hon. gentleman who had just sat down, in considering the question before the House as an insulated and independent question, standing on its own grounds, and to be argued solely on its own principles, he should have sat by contented, while gentlemen, more qualified for such a task, by their opportunities of official information, and by their ability every way greater than his, had given their answer to the objections urged against the treaty. He should have sat by, contented with what had already been said by a right hon. gentleman below him (Mr. Ryder), who had given to all the objections which had yet been urged, an ample and able, and, to his mind, satisfactory answer.

But as he did much rather agree with the hon. gentleman who had spoken second in the debate, that the question now agitating, was not to be argued on the narrow principle of mercantile precision; that it was not simply an accurate tradesman-like inquiry into the goodness or badness of the bargain which he had made; an inquiry whether we had actually received a fair *quid pro quo*; whether or not we had not been somewhat extravagant in our payment, and suffered ourselves to be over-reached in the transaction; but that it was a great and important question, growing out of, and inseparable from, a great, connected, and comprehensive system—the system of general union among the powers of Europe, which had for its ultimate object the preventing the aggrandizement of the French Republic, and the checking of the principles by which that aggrandizement was sought to be effectuated; and as upon the whole of that system, and upon the treaty before the House, as part of that system, he could not conceive how any gentleman should have found much, in forming their opinion; so he trusted, that if he attempted to deliver that which he had formed, he should stand excused from the charge of presumption.

He knew but two points, in which the propriety of this, or indeed of any other treaty, could be attacked, or need to be defended. 1st, It might be argued, that no such treaty ought to have been made at all. 2dly, Being acknowledged to have been proper to be made, it might be contended to be more disadvantageous than any other treaty that had ever been made between the same parties; and that in one of two ways, either by showing that we had paid a greater price for the alliance, having only an equal necessity for it; or by showing that we paid an equal price for it, having a less necessity. The question was thus to be argued in two different points of view. It was to be first shown that some treaty with the king of Sardinia was proper; and if that inquiry should terminate in the affirmative, it would then be his business to contend, in the second place, that this treaty was equally advantageous, as well as beyond comparison more necessary than any that had been concluded between the two states. The discussion of the first general question was easy, as there could be no doubt of the propriety of an alliance between two powers engaged in the same interest, provoked by the same enormities, and contending with the same enemy. Without longer dwelling upon this branch of the subject, he should therefore proceed to the next topic of investigation.

The hon. gentleman who had preceded him had endeavoured to show, that the precedents cited by the gentlemen on this side of the House differed both in their nature and circumstances from the present treaty. This part of the subject had been already so amply discussed, that he would add nothing to it; and therefore, without staying to examine the validity of his remarks, he would produce an instance of an alliance with another continental power, which would be found to tally in almost every particular. He meant the subsidy-treaty with the late king of Prussia in 1759. The objections which the right hon. gentleman (Mr. Fox) had brought against the present treaty;

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the points, wherein he stated it to differ for the worse, from every other treaty, which we had even formed with the same, or any other power, were these: that the king of Sardinia, at the time of our giving him the subsidy, was actually engaged in a war with France; and that there was no necessity, therefore, for us to have subsidized him, to make him go to war; that the only condition that we expected from him in return for our subsidy was, the defence of his own dominions; and that for this, in addition to the subsidy, we guaranteed to him not the possession only of that part of his dominions of which he was still possessed, but the restitution of Savoy, the possession of which had actually been taken from him. With every one of these circumstances, does the circumstances of the subsidy-treaty with the king of Prussia in 1758 exactly tally. The king of Prussia was then in a state of actual war with all the great continental powers: he was actually out of possession of considerable part of his dominions, and nearly overwhelmed, by the immense force employed against him. And did this country treat him as the right hon. gentleman would now wish us to treat the king of Sardinia? No! it was precisely on these principles stated clearly and at large in the preamble of that subsidy, because he was oppressed by powerful enemies, because he was out of possession of part of his dominions, and because he was so exhausted as to be incapable by himself of defending the remainder, that we were induced to aid him; an annual subsidy of 670,000*l.* was cheerfully and unanimously voted him; was carried triumphantly through that House, with the loudest approbation of the country.

And to him too, as now to the king of Sardinia, we guaranteed the restitution of those dominions, of which he had been deprived. The difference, therefore, between these two cases lay only in this: that the subsidy granted to the king of Prussia was 400,000*l.* larger than that now granted to the king of Sardinia; and that the necessity for subsidizing the king of Sardinia now, was (in his mind at least) ten thousand times more urgent than that for granting the subsidy to the king of Prussia. For, on what principle could that vote be justified to the people, who were to pay it? On the wish which the then servants of the crown entertained to preserve the balance of power in Europe. But how much stronger were the reasons which the ministry of this day might urge in defence of the present measure! They might with confidence tell the nation, we require this money, not to support a precarious or ideal balance of power, but to enable us to defend your government, your property, and your lives, against an enemy who is waging a war for your utter extermination! A nation already too powerful, had, by what some were pleased to call a political regeneration, attained to a degree of stength which threatened the subversion of all the existing forms of social union. To avert this catastrophe, the accession of Sardinia is requisite; and she can give effectual aid in so doing. A noble lord (Wycomb) had, on the first night of the session, avowed, that he conceived the opinions and practices now prevalent in France to be the beginning of a new system of political principles and conduct throughout Europe. If it were, indeed, true, that old principles were giving way so fast, Mr. Canning said, he confessed that the notion of the balance of power, did not appear to him to have been so very clearly explained, or so generally understood, as that the people of England would cling by it after abandoning all their other prejudices and prepossessions; or that the poor peasantry, who had been represented that night as having their hard-earned pittance cruelly wrung from them, to furnish the subsidy for the king of Sardinia, would be better pleased to part with it for the support of the balance of power, than in aid of an ally, engaged in common with themselves for the safety, the laws, the religion, and the liberty of mankind. He could not, therefore, conceive on what principle any gentleman could argue the present treaty to be disadvantageous, in comparison with that of 1758-9, unless, indeed, it were, that, as it seemed to be the opinion of gentlemen opposite that the earl of Yarmouth discharged his embassy to the court of Prussia, so much better for being unpaid, so they might possibly think that the king of Sardinia would fight better if we refused to pay him.

The right hon. gentleman opposite, (and here he begged to be understood, that when he presumed to notice such arguments as he thought exceptionable, when they came even from such authority, he did not do so with any intention of behaving to that right hon. gentleman in any other manner than such as might

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evince, what he really felt, the sincerest admiration for his talents, and respect and esteem for his person)—that right hon. gentleman did indeed seem to entertain some such opinion; for he had argued almost as if he thought that the subsidy was a drawback upon the exertions of the king of Sardinia; that he had been well enough disposed at first, both by interest and inclination, to carry on the war with vigour; but that, impose upon him a subsidy, and all his vigour was instantly overwhelmed and extinguished. Nay, the right hon. gentleman went still farther, and proposed that the king of Sardinia, not only should have received nothing at our hands, but that because he happens to be the sovereign of a territory whose revenues are insufficient to support an adequate military force, we who are wealthy ought to insist upon his subsidizing us; that he should not only fight on by himself, but pay us for looking at him. Till he could subscribe to this doctrine, he should continue to think that, under the circumstances, in which the king of Sardinia had stood, it was essentially necessary that we should assist him; and that our assistance had not been afforded to him in a more ample manner, than the necessity required.

With regard to the question which he had at first passed over, the objections to the treaty *in toto*, as if it ought never to have been made, all these objections would ultimately resolve themselves into such as had been urged against the war in general. As he had not yet enjoyed any opportunity of declaring his sentiments upon this subject, he would, if consistent with the rules of the House, offer a few remarks upon it before he sat down, conceiving it to be natural and necessary that he should declare his reasons for approving the commencement of a war which he was supporting in detail, and of which he applauded the continuance and vigorous prosecution.

The war then he could not consider in any other light, than as a war into which we had been forced by unprovoked aggressions on the part of France, nor could he see, as some gentlemen were disposed to do, that these aggressions were the less to be resisted and repelled, on account of the principles by which they were justified. Distinctions, indeed, had been taken by gentlemen on the other side of the House, between the progress of the arms of France and the progress of her principles. The progress of her arms, it was admitted, it had been, and would always be, our right and our policy to oppose; but we need not, and we ought not, it seems, to go to war against her principles. He for his part, could not see such nice distinctions. Admitting that the aggrandizement and aggression of France, must naturally be the objects of our jealousy and resistance, he could not understand that they became less so, in proportion as they were accompanied and promoted by principles destructive of civil society; he could conceive no reason why the sword, which, if it had been attempted to be drawn by the ancient monarchy of France, would have been represented as threatening our prosperity, our rights, our very existence, might be wielded with tenfold force by the arm of republicanism; might be pointed even at our breasts, without endangering our safety or our honour.

But not only is this a war against principles, but against the very best of principles, a war against freedom. This is loudly and confidently asserted, and is to be proved, we are told, from the circumstance of ministers having neglected to interfere concerning the partition of Poland. Had not ministers been actuated by a hatred of liberty on the one hand, and restrained by a love of despotism on the other, they could never have chosen to make war against France, rather than against the powers who had partitioned Poland. The authors of this assertion affected to disregard, or disdained to consider, the comparative distance of France or Poland, the relative importance of the two countries to us, the strength of the confederacy by which the latter was oppressed, and every other circumstance which should guide the discretion or regulate the conduct of every sober politician.

Well, he would put all these considerations out of the question, he would not urge the obvious absurdity of going in search of distant dangers, and overlooking that which knocked at our door; he would say nothing of the comparative disadvantages of going to war against Austria, Prussia, and Russia, without an ally, and the going to war against France, with all those mighty powers to aid us; he would even forego the use of the argument to which he had before adverted, the different degrees of urgency and of

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popularity which there must always be between a war, such as that for Poland would have been, for the sake of the balance of power, and one like that in which we are engaged with France, for our own defence and preservation. He would pass over all this; he would admit, for a moment, that there was equal necessity, equal call, for our exertions in both cases; and then he would put the argument simply and solely on this ground: if there be two powers, who have equally offended you, and from whom by war or by negociation, you must seek redress; if one of those powers, however in other respects odious and wicked in your eyes, cannot however be denied to have settled a responsible government, with which a negociation may be easily and prudently carried on—while, in the other, however otherwise amiable and admirable, it must be admitted, that there is no such thing, no safe or tangible means of negociation—does it not seem a most unaccountable perverseness of judgment, which shall say, "Negociate with that party with which negociation is impracticable; go to war with that where negociation would equally avail; negociate with France; go to war with Austria, Russia, Prussia. Take the bond of the beggar, and throw the solvent debtor into gaol!"

We had been told that this was a war, into which we had been hurried by clamour and prejudice; in short, that it is a war of passion. If, by a war of passion, gentlemen meant, that it was one contrary to humanity, justice, and sound policy, and which owed its origin and support to the indulgence of some blameable propensity in our nature, gentlemen, in establishing this, had undertaken a harder task than they seemed to be aware of. They must arraign nature, and confute instinct; for they must prove that self-preservation is a passion, which it is criminal to indulge. But if by war of passion, gentlemen understood no more, than that in addition to all the legitimate and cogent causes of war, in addition to the necessity of repelling unprovoked aggression, of succouring our distressed allies, of saving Europe, of preserving ourselves; that in addition to all this, there were circumstances in this war, which engaged and interested the best feelings and sensibilities of our nature; in this sense we might be proud to own, that it was fairly to be called a war of passion; and if from that dignified character it were to be degraded into a war of ambition and interest, it would cease to have in him a warm and zealous defender.

An appeal is made to our prudence; and we are asked, with an air of triumph, What are we to get by this war? Before he attempted to answer that question, he would take the liberty to ask, whether or not that question properly and particularly applied to a war, such as we contend this to be, for our political existence; or to a war such as we contend this not to be, a war of aggrandizement and speculation? If, indeed, ministers had come down to that House, and said, We have an opportunity of procuring great and advantageous acquisitions for the country; we may wrest from France some fertile province, or extort from her some valuable branch of her commerce, if you will but support us in a war; and if upon these grounds the House had consented to support them; then he granted the whole matter at issue between that House and ministers! The question which might be most fairly put, as conclusive upon the merits of the war, would be, Well, what, after all, are we likely to get by this war? But, in the present case, it was widely different. We might be proud to say, that in this war, that was not the first question that we asked. He, for one, should be ashamed to defend a war, in which it was the only question that could be satisfactorily answered. Yet, Sir, let not gentlemen run away with the idea that we have gained nothing. Sir, that we have still a government; that the functions of this House have not been usurped by a corresponding society, or a Scotch Convention; that instead of sitting debating here, whether or not we shall subsidize the king of Sardinia, we are not rather employed in devising how to raise a forced loan for some proconsular deputy, whom the banditti of Paris might have sent to receive our contributions; Sir, that we sit here at all—These are the fruits of the war.

But when neither our reason nor our prudence can be set against the war, an attempt is made to alarm our apprehensions. The French are stated to be an invincible people; inflamed to a degree of madness with the holy enthusiasm of freedom, there is nothing that they will not undertake, there is nothing that they cannot accomplish. He was as ready as any man to allow, that the French were enthusiastically animated, be it how it may, to a state of absolute insanity. He desired no

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better proof of their being mad, than to see them hugging themselves in a system of slavery so gross and grinding as their present, and calling at the same time aloud upon all Europe to admire and envy their freedom. But before their plea of madness could be admitted as conclusive against our right to be at war with them, gentlemen would do well to recollect that of madness there are several kinds. If theirs had been a harmless idiot lunacy, which had contented itself with playing its tricks and practising its fooleries at home; with dressing up strumpets in oak-leaves, and inventing nick-names for the kalendar, he should have been far from desiring to interrupt their innocent amusements; we might have looked on with hearty contempt, indeed, but with a contempt not wholly unmixed with commiseration.

But if there be a madness of a different kind, a moody mischievous insanity, if not contented with tearing and wounding themselves, they proceed to exert their unnatural strength for the annoyance of their neighbours, if not satisfied with weaving straws, and wearing fetters at home, they attempt to carry their systems and their slavery abroad, and to impose them on the nations of Europe; it becomes necessary then, that those nations should be roused to resistance; such a disposition must for the safety and peace of the world be repelled, and, if possible, eradicated.

But, when it is found that we are not to be daunted by the effects of their madness, we are called upon to compassionate its cause. It has arisen, as we are told, partly from the oppression of their ancient government, and partly from their being inflamed and exasperated by the present powerful confederacy formed against them. What, if he were to be attacked by an individual madman—was it his business to proceed to an investigation of the origin of his disease, before he guarded against its consequences? And if he found upon examination, that there was reasonable and just cause for his running mad, if a stander-by were to say to him, "that poor man lost his wits from love, or was driven out of them by the cruelty of relations—if you were to know by what a melancholy train of accidents that unhappy maniac was reduced to his present desperate condition, you would be above resisting him!"—Was this sort of reasoning to operate with him against the adoption of any measures of self defence? He could hardly think so—nor could he agree that, with regard to the French nation, it would merit much more attention—no matter how they came to be what they are; if wild beasts he found them, as against wild beasts, he must defend himself.

He did not envy gentlemen the task which they had imposed on themselves of poisoning the fair hopes of the country, and reducing the minds of the people, otherwise not inclined to a want of confidence in the successes of the war, to a state of depression and despair. He did not much envy their industry, neither, he would confess, did he much fear their success. But when gentlemen had once undertaken that ungrateful task (for unpleasing he was sure it must be, and nothing but a strong and imperious sense of their duty could induce them to undertake it at all)—When they had once done so, he thought they were bound to go through with it. And then, if all that they had said were true; if our situation was indeed as deplorable as they represented it—if we had failed in all our plans—and been baffled in every exertion—if such had been the nature and extent of our misfortunes, that we had neither satisfaction in what is past, nor resources for the present, nor hopes for the future—and if for all these reasons, it is become necessary, as they state, to sue for peace—let not gentlemen stop here—let them finish the picture—let them show us the extent of our calamities—and describe all the horrors of our situation. If for these reasons, peace must be asked, let them tell us, for these same reasons, what sort of a peace we are likely to obtain. It would not be a common peace, to be obtained by common concessions, or preserved by common security. On our part, for our own security, we must insist on the disbanding of the great standing army which was the instrument of the revolutionary government of our enemy; and could it be thought that the potent Republic, which had, according to some gentlemen baffled all our schemes, and withstood all our efforts, would submit to so degrading and humiliating a concession? Our only reliance then must be on the public faith and responsibility of the present rulers of France—men, whose characters were so familiar to that House, that he should not think it worth while to delineate them—but he would ask gentlemen, whether or not they recollected an

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argument, which some of them had brought forward on a former night—that it was by the distraction of that unhappy country within, and the pressure of hostile force from without, that these monsters had been raised to power; and if they avowed that argument, he would farther ask, whether they must not acknowledge that their power would cease with the cessation of the cause that produced it—that those causes would cease with the war—and that the very act of making peace therefore on the responsibility of the present rulers of France, would, by destroying their power, destroy the only security of its continuance? So much for our security and on the other hand—what terms could we offer? In vain might we propose all the usual securities of pacification on our part—the recalling our troops—the dismantling our navy—the cession of the islands and provinces which we may have taken—the abandonment of our allies, and the relinquishment of this same Savoy, of which so much had been said, the answer of France would be "No—that is not enough from you—it is idle mockery to talk of those things as pledges for your peaceable disposition towards us. It is not enough, that you relinquish all that you have gained, or indemnify us for all we have expended, that you expose your commerce to our rapine, and your coasts to our invasion. You have among you what must keep alive an eternal disposition to enmity against us, and a power that will give effect to disposition, you have your constitution, surrender us that. It is against that, that we originally declared war, by the submission of that alone can the war be determined. We ask no more of you, our enemies, as a pledge of peace, than we have before demanded of our friends, the Belgians, as a memorial of amity. But, while your constitution remains, whatever other show of friendship you may hold out to us, never can true reconcilement grow between sentiments and systems so opposite—while that continues to give vigour to your government, and generosity to your people, never can you sit tamely by, spectators of the fantastic pranks which we mean to play throughout Europe."

But neither did it appear to him, that the call for peace was so pressing and immediate. He had heard it asserted, indeed, that the people were awakening from what was called their delusion, and were become clamorous for the speedy conclusion of the war. He had heard it asserted on a former night, that even among those gentlemen who supported ministers in that House, there was not one who would stand up to say, that in his heart he was satisfied with the prosecution of the war. He, for his part could not boast of such various and extensive communications out of doors, as many gentlemen might have—nor had he long enough had the honour of a seat in that House, to be able to judge by any other criterion than its votes, of the touch and temper of its inclinations. But as far as his own limited communication and short experience enabled him to speak to this point, he could fairly say—I come from among the people, whom I have left, not disheartened and desponding, anxious, indeed, as which of us is not? for the happy and honourable termination of the war—but resolved to persevere with vigour, till a termination, such as they approve, not disgraceful, nor calamitous, shall be obtained. I come among the representatives of the people, whom I find as they ought to be, in unison with the sentiments of their constituents, to continue to prosecute with firmness a war, which they begun through necessity, supporting it with unremitted ardour, and sanctioning it with unexampled majorities.

For all these reasons, because he conceived the war, of which this treaty was a natural and necessary part, to have begun in necessity, and to be continued in justice; because he could not think that in its progress it had been so deplorably and disgracefully unsuccessful as some gentlemen were willing to represent it; because he did not see how our acquisitions in the West Indies could fairly be stated as a loss, because he did not see, how our conquests in the East could properly be characterized as disgraces and defeats; because he did not see, how the destruction of the maritime force of our only maritime rival, could reasonably be calculated as a fatal blow to our commercial and naval superiority; but, because he did in his heart believe the very reverse of all these propositions to be true: because, to conduct the war to a successful and glorious termination, he conceived that the system of alliances, which we had formed, should be scrupulously maintained, that they should be maintained, not only with those powers, which were of themselves strong enough to perform a part adequate to the assistance which they

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might receive from us—but that if there appeared in any of the allied powers a want of ability to perform such a part, if there appeared to be weakness in their counsels, or slackness in their spirit, or inadequacy in their force; that they ought to derive from us the ability which they wanted, they ought to be counselled by our wisdom, and animated with our ardour, and recruited with our strength; because, among all the allied powers, he knew none to whom it was more necessary that such support should be liberally furnished than to the king of Sardinia, he should chearfully give his vote for referring the treaty to a committee.

Mr. *Stanley* after paying a compliment to the eloquence of the hon. gentleman who had spoken last, said, he rose, as a country gentleman, to hint at their sentiments and to state his own. He approved of the treaty, and should have done so if the subsidy had been doubled. He approved of the war, but thought it had not been conducted with sufficient vigour. He entreated the minister to keep a watchful eye over the several departments of office under him. If ever an honourable and disinterested support was given to any minister, it had been given to the chancellor of the exchequer for the last four years. Let him show himself worthy of that support: let him show himself the son of Chatham. Peace he thought at present impossible, because we were engaged with enemies who envied us our constitution, our religion, our liberty, our property, and every thing we possessed.

Mr. *Fox* said, in explanation, that although he had never applied the epithet unprecedented to the treaty, he had no objection to adopt it, unless some precedent could be adduced more in point than any he had yet heard. When the treaty of Worms was concluded, the king of Sardinia was literally balancing between the two contending parties, and the terms agreed upon were the price of his declaring for us. The other treaty was also equally dissimilar from the present: by the terms of that treaty, we gave every thing to receive nothing; and bound ourselves by stipulations, the consequences of which might prove highly injurious to our interests.—The motion was agreed to.

Debate in the Commons on the Army Estimates.] Feb. 3. The House having resolved itself into a committee on the Army Estimates,

The *Secretary at War* observed, that he should state what exertions had been made in the present campaign, and what the result of the comparison of those exertions was with the exertions that had been made in former wars. Gentlemen would recollect, how little prepared this country was, at the breaking out of the war, to enter into it; for this a degree of allowance ought necessarily to be made. He should first state what this country had done in former wars. In 1756, 1760, 1761, 1762, and 1774, the number of effective forces that had been raised, did not, taking any one year, exceed 22,000 men. He should next state, the consequence of the exertions that had been made during the first year of the present campaign. The total of the infantry and cavalry during the year 1793, amounted to 37,169 men: from this he would deduct the Fencibles that had been raised in North Britain; the amount would then be 32,000 men. Thus it turned out, that 10,000 more had been raised in the course of the last, than in any former year. He then moved, "that a number of land forces, including 3882 invalids, amounting to 60,244 effective men, be employed for the year 1794."

Mr. *Hussey* said, he was almost ashamed to look at this augmentation of our military force, because he was afraid we should never be gainers by it. He had declared himself, on a former night, an advocate for the augmentation of our navy, because he knew that they would be of more real use to this country than an augmentation such as this, ten times over. He wished the minister had stated some inducement to the House for what was now asked; for he confessed that he could not make up in his mind what we could gain by this augmentation of our military force. We should only plunge ourselves deeper and deeper into calamity.

Major *Maitland* said, it was his intention to vote for the resolution, but upon very different views from those who approved what had been done during the campaign. He was ready to admit, that more troops had been raised during the present war than on former occasions; but if levy money to a greater amount was expended upon the present than any former occasion, there certainly was an end of that superior merit in raising them which was claimed. Would the hon. secretary state the effects produced by

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these boasted exertions; the object proposed by them; how they were to be applied for the purpose of conquering that public opinion, against which we were vainly waging war? He would be understood, in deprecating the events of the war, as laying the blame of our repeated failures at the door of ministers only. It had been stated on a former night, that the means of this country were as yet so small as not to enable them to attempt great things, or produce the necessary effect. If our means had been hitherto small, they should have been applied to proportionate objects. At present he confined his observations strictly to those operations carried on by British troops, acting under British generals; upon every one of which he contended, that where we should have looked for honour, we had reaped nothing but dishonour. Here he took a review of the principal events of the late campaign. The success that followed the embarkation of the guards for Holland, by the relief of Williamstadt, was by no means to be attributed to any wisdom or foresight of ministers, because that being merely a defensive measure, no previous plan could possibly be adopted to insure success. The first place, where they could possibly reap any merit from the operations of our troops was, when they appeared before Valenciennes; there the troops had acquired that eclat they always justly merited; but then it was because they acted conjunctly with the great armed force of our allies. When however, they came to separate from that force, when they came before Dunkirk, the consequence was disgrace; and he did not hesitate to attribute the entire series of disasters that followed during the subsequent part of the campaign, to the resolution of separating the armies for the purpose of undertaking that unfortunate siege. How far, in point of fact, that siege was undertaken by the gallant and illustrious general, who commanded the British troops, upon his own suggestion, or by the interference of ministers at home, it was impossible for him to state; but this he would assert, that the inadequate means for carrying it into execution were the causes of its failure; and that these were produced by neglect at home he had little doubt. The army, general and all, found themselves deserted where they looked for support, and when they saw this, they felt themselves intimidated, and obliged to retire. He was the more earnest in urging this, because he was well convinced how desirable, and at the same time how attainable, the possession of Dunkirk was, from its vicinity to this country. It had been stated by admiral M'Bride, that the petty gun-boats annoyed our troops upon that occasion considerably; and to them likewise we owed the loss of one of the first officers that graced the British name, Colonel Moncrieff; it was also notorious that the battering cannon necessary for carrying on the siege, did not arrive there in time. If then, such neglects as these occurred, no wonder that failure was the inevitable consequence. If the failure was imputable to neglect at home, would it be denied that ministers were to blame? If no such neglect really did exist, and the duke of York had not done his duty, then assuredly the blame must lie at his door. At all events, he trusted that a strict inquiry would take place into the facts of the case, that wherever culpability should be found there public censure might attach itself.—The next object that demanded attention, was the business of Toulon. The success attendant on our arms at this place had been constantly trumpeted in our ears. In the first place he would ask, how the destruction of the French navy could be called a military advantage? We had got possession of Toulon by treaty, and we lost it by force of arms: how did this prove our military advantage? Upon the face of the whole of this expedition, there appeared, as far as ministers were concerned, nothing but corruption and incapacity.—The next object was the expedition of sir Charles Grey. He had 10,000 men under his command, and his expedition was postponed day after day and month after month, and at last, when he sailed, it was at so boisterous a season, with one man of war, accompanied by another with three transports, that it was not to be expected that he could perform any signal service. He came next to the expedition of earl Moira, and this was still worse, if possible, than the rest. He had no intention to throw any reflection on his lordship, of whose skill, knowledge and valour he did not doubt; yet, after the public expectation had been raised to the highest pitch: after troops had been collected, and transports prepared, his expedition ended in an invasion of this country, by a troop of Hessians. Thus he had stated, in as few words as he could, all the objects and

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the effects of the expeditions of the British forces, as far as related to Europe. He must now proceed to take a short view of them in the West Indies. Tobago was taken, an acquisition of but trifling consequence. But the expedition at Martinique had completely failed, in consequence of being improperly planned at home, and the fault was not the fault of the general, the officers, the men, but of the ministers. He acknowledged the necessity of great supplies, but while he did so, it was his duty to get, if possible, some security, that not a shilling of the money of the people of this country should be misapplied in future: 100,000*l.* had been already employed, for the purpose of erecting barracks in different parts of this island; a measure not unnecessary only, but clearly unconstitutional.

Mr. *Jenkinson* said, thatupon all that had fallen from the hon. gentleman, he had but two observations to make. They were 1st, whether the campaign had or had not been successful: 2dly, whether blame was or was not to be imputed to the several officers engaged in it; or, if not, whether misconduct was or was not to be attributed to his majesty's ministers. It could not be for a moment doubted, that if there was success, it was a proof of merit in administration. If the exertions that had been made during the present campaign were fairly considered, they would reflect considerable merit on ministers. The secretary at war had incontestibly shown, that 10,000 men more had been levied during the first year of the present campaign, than in the course of any one year in any former war. With respect to the operations of the campaign, there was not the least doubt but that they had been in an eminent degree successful. These operations were planned by government, and consequently great praise was due to administration. It remained then to be shown where blame was to be imputed. The first instance the hon. gentleman had adduced was, the failure at Dunkirk; but in mentioning this, the hon. gentleman admitted, that Dunkirk was a considerable object for this country. The hon. gentleman seemed to apply his greatest objection to the division of the army; but did the hon. gentleman recollect, that it was impossible that Mons and Brussels could have been secured from the attacks of the French till Quesnoi and Maubeuge had been reduced? Did the hon. gentleman forget that, under these circumstances, if the attack upon Dunkirk had been delayed, a particular season of the year would have arrived, that would, considering the situation of the place, have rendered any attempt to reduce it abortive? In the failure that succeeded, unless the hon. gentleman could show that the officers who had been appointed, had remonstrated, or had demanded a force that was not granted to them, he made out nothing. No blame could possibly attach upon the duke of York. He was convinced that all was done that possibly could be done. But was it to be supposed that no expedition was to fail in the course of the war? Considering the great superiority of force on the part of the French, it was not to be wondered at that our troops had been compelled to yield. The army had been divided for the purpose of attaining two grand objects, the reduction of Quesnoi, and Dunkirk. In the one we had been successful; in the other we had failed. With respect to the circumstance of the ordnance stores not being forwarded in due time, it was well understood that if the stores had been sent too near the place before the army had approached, they would have been seized. No disgrace could possibly arise from the failure of the expedition against Dunkirk, when it was recollected what a superior force had been brought against the covering army. What was the event of that defeat Why, in order to produce it, the French drew their forces from the army of the Rhine and the Mozelle. The successful operations that followed in that quarter were owing to that circumstance.—The hon. gentleman found great fault with the expedition to the West Indies; but before he had made up his mind upon the subject, it would have been well if he had paid a little attention to dates. The forces that had been sent out were not for the purpose of conquering, but of taking possession of the French West India islands. At the period that the troops were sent out, the royal party had possession of the islands, but in the interval that had elapsed between their setting out and their arrival at the place of destination, a revolution took place, and the democratic party had gained the ascendancy. When the forces arrived, this was a circumstance that required prudence and discretion; the general at first debarked part of the forces; but, as soon as it was found that no success was likely to ensue, but that, on the contrary, a great number

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of the men must, were the object to be pursued, inevitably have perished, he re-embarked them. This was the effect of mere accident, and consequently no blame could be imputed to administration. He admitted that Toulon was certainly an object: but at the same time it was not to be considered so great an acquisition as to induce us to sacrifice the opportunity of getting possession of the French West India islands. At that period, the inhabitants of Lyons were adverse to the National Convention of France. If the Lyonese could have held out, Toulon would have been secure. But that was not the case, the Lyonese were overcome, and consequently a considerable force was brought against Toulon. As to the expedition of the earl of Moira, he was prepared to defend it; for notwithstanding what had been said against it, that expedition was wise in the plan of it, and the reason, why it had not been tried, and probably why it would not have been successful, was, that the royalists did not endeavour to gain possession of sea ports, previous to which it would have been impossible for us to send a sufficient force to that country, to give reason to expect success. The royalists alone were to blame; the fault did not attach to the earl of Moira or his army. Taking the whole campaign in one view, our success by sea and land had been as great as at any former period.

Mr. *Drake* supported the resolution, although he would, at the same time, recommend the increasing our navy. We should oppose all our force to the depraved enthusiasm of the French, and fulfil those duties to our country, which we had so magnanimously undertaken to perform. If we had not now in our hands a valuable consideration, we had a valuable speculation. He considered this as a just, necessary, and moral war, and promised to give it a disinterested, patriotic, and zealous support.

Mr. *Pitt* said, he was happy to find that there was no direct opposition to the motion; and as all the collateral topics of debate were announced as matter of future and more formal discussion, he should touch but very briefly on them at that time. To the hon. gentleman who had called upon him so pointedly, he must answer, that he could not enter into any detail of the intended operations on the continent; but that, looking at the general character and description of the war, looking at the internal state of France, upon a change in which more than upon any other circumstance must the possibility of a safe and honourable peace depend, he could say that a mere naval war would prove inefficacious, because it would not bring that immediate pressure upon the enemy, which was necessary to accelerate the prospect of peace. France was persisting in the commission of suicide on her own commerce. She was not only careless of her colonies, but it seemed to be her system to destroy them and her commerce. Let gentlemen but recollect what were the causes which led to the war. They were, first, the encroachments made by the French, on the territories of other powers, to restrain which had, in all former times, been held to be the policy of Great Britain. The French had overrun the Austrian Netherlands, and threatened Holland with an invasion. If we suffered them to add port to port and commerce to commerce; if we suffered them to possess themselves not only of all the ports and means of naval and commercial force which Holland afforded, but also the intermediate ports of the Netherlands, however safe we might think ourselves from immediate attacks, what prospect could we look to of future security? To save Holland from an invasion, and to recover the Austrian Netherlands, the only barrier for Holland against the force of France, were true British objects; objects in which Britain was as deeply and as immediately interested, as the emperor himself. But to obtain these objects, he would appeal to the judgment and the candour of every reasonable man, if it was not necessary to undertake a continental war. The first campaign of the war, whatever judgment might be formed of it, or whatever epithets might be applied to it, he should contend, had been eminently successful, although not without some important reverses. The argument to be deduced from this would militate directly against the conclusions of the hon. gentleman; for all those reverses had been owing to the inadequacy of the force brought into the field against a people, who did not carry on war by levying and equipping armies like other powers, but who might rather be considered as an armed nation. If any argument was to be built upon this, and he was aware of the use some gentlemen might make of it, it would not serve their purpose, because it would be found too much for those who would urge it against the continuance of war; for either it was

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impossible we could succeed in bringing any force adequate to our object, and then all must be despair, a sentiment which he believed not many would be brought to harbour; or else, if they could not bring the country to this conclusion, they only proved the necessity of making still more vigorous exertions. Would the interests of this country have been better consulted —would the protection of Holland and the recovery of the Netherlands have been more effectually promoted, if we had not had 30,000 men in Flanders? Our hopes then were, that we should be able to make greater exertions in the second campaign than we had done in the first; and that having made some progress already, our future progress would be greater, more rapid and decisive, because we should start with superior force, and from better ground. The ground from which we were to start was better, because the French were driven from all their former conquests on the Rhine; and although they had again been unfortunately able to over-run part of that country, they had been prevented from seizing on Mentz, the key of Germany in that quarter. They were driven out of the Austrian Netherlands, and instead of having to begin the campaign with some of the strong places of Holland taken, and others on the point of falling, we should begin it with several of the strong fortresses of the French frontiers in the hands of the allies. He did not claim for himself the exemption stated by his hon. friend (Mr. Jenkinson), that when generals did not remonstrate that the force given them for any object was inadequate, they and not ministers, were responsible for miscarriage. He thought it would be more correct to say, that in such case, generals would become jointly responsible with ministers. What degree of blame might attach to a general, and what to ministers, on this supposition, it would be rarely fit to discuss, unless the miscarriage had been of such magnitude, as to render the inconvenience of avoiding inquiry, as great as the danger to be apprehended from discussion; and, in time of war, how great that danger was, he needed not remind the committee. But when gentlemen said, that the expedition against Dunkirk was undertaken contrary to the opinion of the illustrious prince who commanded it, or that the force employed in it was in his opinion inadequate, he must tell them that their information was diametrically the reverse of the fact. The acquisition of Dunkirk, at a time when the object was to make as great and as general an impression as possible upon the enemy's frontier, every gentleman would allow was important. It was not, however so important as to supersede other operations, and divert the force at the disposal of ministers from other purposes, which they might think of still higher importance. He was ready to avow that, as one of his majesty's ministers, he had advised the expedition against Dunkirk, believing not only that the place could not resist the force that was sent against it, but also that the French could not, by any probable exertion, collect a force sufficient to relieve it. That he was deceived in his hopes, was but too true—whether he was to be blamed for advice from which he would not now shrink, it would be for the House to consider, if they should think fit to go into the inquiry, of which notice had been given. When the motion for inquiry came to be debated, he should contend that there was no ground laid for inquiry, and that, even if there were, the danger to be apprehended far out-weighed any advantage that could possibly be expected from it. If he were conscious of an error, he should not be ashamed to own it, as, on so complicated a subject as the direction of a war, who would have the presumption to say that he should never err? but so far was he now, that he had had the aid of experience to inform his judgment, from being conscious of any error in the advice he had given, that under the same circumstances, he should give the same advice again. To the very respectable nobleman at the head of the ordnance, he owed it to declare, that no exertion that could be made in his department had been omitted. The French gun-boats, of which so much had been said, had in point of fact, contributed nothing to the failure of the enterprise. The true cause of the retreat was, that the covering army was attacked by such superior forces as even the able conduct of the officer who commanded it could not resist. Both the time and the manner of that retreat were highly honourable to the prince by whom it was directed. In the ardour of youth and courage, to relinquish a favourite object, and to mark the precise time when to relinquish it became necessary, was, in his consideration, the highest merit.—Respecting the conduct of the war in other parts, all he desired to say was, what more ministers could have done with the force they had

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at their command. On this he would rest the whole of their merit or demerit. When the force at Toulon, and the force ordered thither were known, he should be ready to discuss the conduct of ministers respecting the defence of that place, if the House thought fit. All he should then say was, that although they considered the retreat of Toulon as of importance, they did not hold it to be so important as to give up, on account of it, the expedition to the West Indies. They had ordered such a force for the defence of Toulon as they conceived to be sufficient, and he did not even then think that it would have been justifiable to forego the expedition under sir Charles Grey. They afterwards diminished the force intended for that expedition, for reasons, which it was not then proper to explain. Such as it still remained, they thought it adequate to the service for which it was sent. With respect to the force under the command of the earl of Moira, it was idle to discuss the merits of an expedition which had been only projected and was now laid aside. All he should say was, that ministers had not the means of attempting such an expedition at an earlier period; and that they were justified in planning it at the time they did.—To return to the subject of Toulon, in the defence of it, while it could be defended, and in the evacuation when it could be defended no longer, the officers who commanded, had great and extraordinary merit. The obtaining possession of it depended on the excellent condition of the fleet sent into the Mediterranean, and the admirable conduct of the officers who commanded it. But for these, the fleet of the enemy could not have been blocked up in the port of Toulon and that degree of famine produced, which was the primary cause of the surrender. After the tower and forts were occupied by the small force then at the disposal of lord Hood, such exertions for maintaining the place were made, as he was astonished to hear a member of the British army represent as disgraceful to the British arms. When it became necessary to evacuate the place, let gentlemen call to mind the circumstance against which that operation had been effected; let them suppose a great town to be abandoned, a large garrison to be embarked, and the inhabitants, in consternation and dismay, to be taken away, while the enemy had gained such advantages in various quarters, as enabled them to threaten the town itself; let them suppose all this performed in the face of an enemy; the garrison embarked; as many of the inhabitants as chose, to the amount of many thousands, taken on board the ships; and all without the loss of a single man, which could hardly have been hoped in a peaceable embarkation of the same extent, on the river Thames; let them then add the destruction of the enemy's ships to such a degree, as to form the greatest blow given to the French navy at any period, and then would any man say, that the officers who conducted these operations were not entitled to every honourable mark of commendation and applause.

Mr. *Fox* said, that although a future discussion was promised, some sentiments had been delivered on which he must remark while they were fresh in the memory of the House. He agreed perfectly with the hon. gentleman who opened the discussion, as to the propriety of the observations he had made. According to the best practice of the best times it was strictly in order to consider the ability of ministers to direct to the most beneficial effect that force which they were voting the money of their constituents to pay. He was glad to find gentlemen on the other side of the House so pleased as they professed to be with the successes of the campaign. If it were possible to talk with levity of a situation of Europe, which he considered as highly disastrous, he should congratulate the House on the issue of a campaign with which all parties engaged in it were pleased. We extolled the success of our armies; so did the French that of their's. We applauded the evacuation of Toulon as a most fortunate event; the French celebrated the same event by public festivals—so that ministers and they might meet and join in a common jubilee. Unfortunately for him, he could not participate in these rejoicings, while he saw Europe brought into a situation afflicting to every man who retained the least spark of justice or humanity. Since the prorogation of parliament, when the advantages we had obtained were set forth in terms as vaunting as they could well bear, we had seen little success and much defeat. When he saw that all the latter part of the campaign had been uniformly unsuccessful; when the successes of the early part, instead of conducting, as might have been expected, to new successes, had only led to disaster and disgrace, he augured but ill of the future; as in such circumstances every rational man must

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augur. He could neither agree with the hon, gentleman, nor with the chancellor of the exchequer who corrected him, on the subject of responsibility; which instead of laying wholly with generals, or jointly on the generals and ministers, lay wholly with ministers in the first instance. There was, or ought to be, a military man in the cabinet, and he supposed the commander in chief held that situation now, on whose information and advice ministers were to decide both as to the propriety of undertaking expeditions and the force requisite for them. They might have much information respecting which the officer appointed to command in any expedition might be ignorant; consequently they, and not he, were to judge of the force necessary, and the acceptance on his part of a command with an inadequate force was no justification for them. If he knew that an officer had misconducted the force entrusted to him (and he hoped no man would be so uncandid as to suppose what he said to have any particular application), he would charge ministers with the blame in the first instance, because it was their duty to employ none but proper persons. When they were put upon their defence, they might show reasons for the choice they had made, and in proportion to the validity of those reasons would they be exculpated. He did not pretend to know whether the commander in chief of the combined army, and the illustrious prince who commanded the troops sent against Dunkirk, approved or disapproved of the expedition; but this he knew, that if, on the general inquiry into the business, it should appear that it was undertaken contrary to the judgment of such professional men, the circumstance would form a strong aggravation of the charge against ministers.—The chancellor of the exchequer had said, that the defence of Toulon was not to supersede the expedition to the West Indies. In one point of view, the defence of Toulon was paramount to the capture of all the West India islands, for it was to preserve the faith of the nation solemnly pledged to the inhabitants, who had put themselves under our protection. We entered Toulon by treaty, not by conquest, as the ally of Louis 17th, in conjunction with the king of Spain, to whom the place was as much surrendered as to us, and on the express condition of restoring to the inhabitants who admitted us, what they called their constitution of 1789, although he heard that the part of the treaty to which he alluded had been broken by our subsequent proclamations. We got possession of the ships and stores in trust for our ally Louis 17th., and after that, to boast of destroying them as the ships of an enemy, was a perversion of terms. He admitted, that when they could not be defended, we had a right to destroy them, or, what was still better, to bring them away, in order to prevent their falling into the hands of those who were the enemies of Louis 17th. But this was to be lamented as a misfortune, more especially if any considerable part of them did fall into the hands of his enemies, not vaunted as an instance of extraordinary success. Let ministers hold to Louis 17th or his representative, if he had any; let them hold to French royalits the language they held to the House, of preferring an expedition to the West Indies to the defence of Toulon: let them say, "We have got possession of a port and a fleet in trust for you; but we must take your West India islands for ourselves; we cannot attempt the one without endangering the other; and we prefer taking what we mean to keep at all events, to defending what we must restore to you when reinstated on the throne of your ancestors," and see with what cordiality and gratitude it would be received. If seating Louis 17th on the throne of France was the object to which ministers looked as the means of peace, they ought to have sent the whole force at their disposal to Toulon, if necessary, in preference to every other expedition, on motives of common policy, much more on the strongest of all motives, that of good faith.—He had often heard, as he had again been told that day, that all the inhabitants of Toulon who chose it were taken away by the British fleet. Was it not true, however, and notorious, that hundreds, nay thousands of the unfortunate remainder, had glutted the vengeance of those whom they had made their implacable enemies by the confidence they reposed in us? If it should be said, that these victims preferred staying to being brought away, that would contribute but little to his satisfaction; for what must our treatment of those men have been, what opinion must they have formed of us, seeing that they preferred the fury of avowed enemies to our protection? It had been insinuated, that the surrender of Toulon had been effected by blockade and famine, and the decided superio-

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rity in regard to appointment, of the English over the French fleet. This did not appear, upon investigation, to be the real state of the case, for there never was any contention between the fleets; for the French fleet was commanded by persons inimical to the French government, who surrendered their trust upon certain terms. And this French fleet had been reported by admiral Truguet, to the convention, to be in a state upon which no reliance could be placed. With respect to the destruction of the French fleet at Toulon, which was made a boast of as the greatest blow the naval power of France had ever sustained from the effect of a single action, he observed, that as they were vessels which we had taken, and engaged to preserve for Louis 17th, we could only justify destroying them upon one principle, that it was the only means of preventing them from falling into the hands of the enemy. He defended the expression used by the hon. major, that we had acquired no military glory at Toulon. By this he did not mean, that the particular generals, or officers, or privates, had not discharged their duty there. He knew they would ever do their duty when they were put in a situation to act; but what was meant was, that the result of that business was not an acquisition of glory to this country. The ground, it was stated, upon which the expedition against Toulon had been concerted was, an expectation that they would have been joined by the royalists of Lyons and Marseilles, who were at that time in considerable force; but any person who remembered the American war, ought to know the futility of such expectations; we hoped and trusted that one town, or one state, would be more favourable to our cause than others had been; but as often as we expected, so often were we disappointed. In the same way our hopes from the Lyonese and Marseillois had been frustrated, and those unfortunate persons who set their faces against the tyranny by which they were oppressed, had, many of them, expiated on the block, the crime of federation; nor had we been able to raise any diversion in our favour in any of the provinces in the neighbourhood of Toulon, either in Provence, or in Languedoc, or in Dauphiny.—He next wished to inquire, if the force sent to Toulon was sufficient to preserve it? From every thing he could learn of the subject, and from military men, he understood, that to preserve that place, a force of at least 30,000 effective men would have been necessary. What was the force sent for the protection of that place? There were only 15,000 men, and those not all English, nor equal in point of service to half the number of English, but a motley group, consisting of Piedmontese, Spaniards, French, and Neapolitans; and to complete the success of the business, an actual dispute, he understood, existed between admiral Gravina and our general, who should be commander in chief of this army. If success was to be considered *prima facie* evidence of merit, he had a right to assume that ill success was evidence of demerit: as such he should consider the expedition, or the projected expedition under the earl of Moira; but he might be told, that it could not yet be called unsuccessful, as it had not been entered upon; but he contended, that it was unsuccessful, insomuch as it was injurious in its effects to the cause which it was intended to serve; for what Frenchman would be mad enough to hazard his life, by opposing the tyranny which he detested, upon the hope that he would receive assistance from this country, when our troops had been in the immediate vicinity of their coast, and had not been able to effect any thing to serve the cause of the royalists, either in La Vendee, or in any other part of France? And they had, moreover, the example of Toulon to deter them. As to the question, whether Toulon or the West-India islands were to be preferred by this country? That was a question which very much depended upon what was the object of the war. If our object was to gain permanent possessions, which we determined to keep, there could not be a moment's doubt but that the West-India islands were of the most importance; but if the object of the war was as it seemed to be confessed by the minister and the majority of that House, to force upon the people of France, in conjunction with the other powers of Europe, some form of government in the place of that tyranny which now subsisted there, for the attainment of that object, the possession of Toulon would be more instrumental than Martinico, Guadaloupe, Saint Domingo, and all the other West-India islands together.—An expression had fallen from the chancellor of the exchequer, that we were not now at war with an army, but an armed nation. This taken in one point of view was a very alarming circum-

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stance, for he believed no position would be more readily admitted, than that an armed nation, so long as it acted upon the defensive, was invincible, and happy he was that it was invincible, for it was the only security that one nation had against the designs of combined and ambitious neighbours, for the preservation of its liberty and independence: he did not mean that kind of liberty which they had in France, but that rational and desirable liberty which was enjoyed under a well-regulated government. If Great Britain should be attacked by a combined force of the powers of Europe, which was not a thing impossible, the troops they were about to vote that night would be as nothing to oppose against it. Would sixty thousand of her sons be all that would take up arms in defence of Britain? No; we should arm as one man, we should have but one sentiment, to conquer or to die; and, on this principle, he rejoiced that an armed nation was invincible. The same reason that made an armed nation invincible in defence, rendered it in attack quite the contrary. The desire of conquest could animate but a few, and they would be opposed by the same principle of resistance in their attempts to conquer other countries which enabled them to defend their own. The French, therefore, would not succeed in their attempts at conquest if they had not abandoned them, and we might make peace with them, in full as much security that it would be permanent as we had done at any former period. If in former times we had said, that we would make no peace with France, without a change of that government, which we knew to be hostile to our own, we should have been at war for more than a hundred years. What were the dangers we had now to dread from France more than those we had actually experienced and repelled? An hon. friend of his had said, that when a danger rose to a certain magnitude, all beyond that became of no account, because we already saw what we dreaded more than loss of life. Now, what was the danger from which we were delivered in the days of the pretender? A powerful foreign despot attempted to seat on the throne a prince whose right we had abjured; to overturn our constitution and establish an arbitrary government; to subvert the protestant and introduce the Roman catholic religion; in one word, to ravish from us all we held most dear, and force upon us all we most abhorred. Yet we never went into the extreme of saying, "We will make no peace with the government that has attempted this; we can have no security while a ruling power exists, whose principles are so hostile to ours." Sorry he was to find such sentiments entertained now; for if France was become an armed nation, we might accelerate the calamities we dreaded, but we should not conquer France. He should, perhaps, be told, that, if France had become an armed nation, it might be necessary for us to become one also. But we ought not to become an armed nation in order to carry on an offensive war. If, unfortunately, we should ever be driven to fight on the same terms as the French had been, we too should become an armed nation, and like them be invincible.

The resolution was agreed to.

Debate on Mr. Adam's Motion respecting the Criminal Law of Scotland.] Feb. 4. Mr. *Adam* said, he rose to perform the duty which he had undertaken towards the close of the last session relative to the criminal law of Scotland, and the practice of the court of justiciary. Whatever opinion might be formed of the proposition he meant to submit to the House, he hoped for indulgence and a candid construction of his motives. And if there were no other reason for it, he trusted, he might claim it, because it was nineteen years since he had the honour of sitting in parliament; and although, during that period, he had often troubled the House on the different subjects under discussion, that was the first time of his bringing forward any proposition of his own. He had given the subject the most deliberate consideration; and perhaps the best mode of explaining it to the House, would be to detail the history of it as it stood, and had passed in his own mind. He had had occasion to bestow much reflexion on the articles of union, and the history of the period at which they were concluded. He had been led to the subject of his intended motion by the discussion that had taken place on the Treasonable Correspondence bill, and by a recent decision in the House of Lords. He had been professionally employed in that House on a question that came before it, whether or not an appeal lay from the judgments of the court of justiciary, and Circuit courts of Scotland, on matter of law only, not matter of fact. An appeal was

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made last session from the judgment of the court of justiciary in a criminal case, that of Robertson and Berry.* Some Lords thought, in the first instance, that the question was already decided and at rest; while others were of opinion, that as this was a case of misdemeanour, it was not concluded by the former decisions, and therefore that argument should be heard upon it. It was argued accordingly before a committee, and the present lord chancellor, lord Thurlow, and lord Kenyon, delivered their opinions *seriatim* that no appeal lay. Lord Thurlow said, that although this was strict law, as the law now stood, he regretted that it was so, and that, in his opinion, a parliamentary regulation was necessary. On these grounds, he had thought it his duty to bring it forward for the consideration of the House.—He was next to consider, whether there was any just foundation on which to proceed. He was supported by the 18th Article of Union, which said, that the law of Scotland respecting property should not be altered, unless on some very urgent occasion, but that the public law or laws of police, that is, the law in criminal cases, might be altered. Soon after the union, the laws of Scotland affecting cases of treason were assimilated with those of England; the mode of trial, the redress after trial, the whole treason law of England, from the statute of Edward the 3d, were incorporated in the Scots criminal code. Ten other acts of parliament had passed since the union, amending the Scots criminal law, particularly the act for abolishing hereditary jurisdictions. These precedents were sufficient to show, that he had a good foundation to proceed upon, if he could make out the policy of the measure.—With regard to the mode of proceeding, he should endeavour to make it the same as by writ of error in England. In writ of error there were three distinctions. In civil matters, it was granted of course. In cases of misdemeanor, application was made to the attorney general, and he considering of the grounds of the application, and deciding judicially upon them, granted the writ of error *ex debito justitiæ*, or refused it. In capital cases, it was to be obtained only by petition to the Crown. Mr. Adam said, he wished to follow the same rules with respect to Scotland, and to give to the lord advocate the same judicial discretion which the attorney general possessed in England. In order to remove and bring up the record, so as to bring the whole matter of law before the House of Lords, some regulations would be necessary in the proceedings of the Scots courts, respecting the mode of giving in the verdict and making up the record; but this would be no unprecedented innovation, for it was once the practice in these courts to enter the whole of the evidence on the record, a practice which was now laid aside.—He disapproved of the practice of the jury giving a written verdict; he thought it much better for the furtherance of justice, that a verdict *ex viva voce*, as in England, should be adopted in its room; for often much benefit arose from the verbal communication between the judge and jury. He proposed that the indictment, the verdict, and sentence, should be removed by writ of *certiorari*, or by writ under the great seal, to the court which should have the appellant jurisdiction. With respect to the propriety of this amendment, he thought there could be little doubt. In civil cases, although no provision was made for it in the act of union, an appeal from the lords of session in Scotland to the lords of parliament, was held to be the natural consequence of the Scots parliament no longer existing; and this was now law. If it had been foreseen that there could be no appeal in criminal cases, he was sure that express provision would have been made for it in the act of union. The reason of it was to be found in this grand and general principle, that the court in which a case originates shall not be the ultimate court to decide. This principle, which human wisdom had set up as a guard against human infirmity and human error, pervaded the whole of the English, and with this single exception which he wished to remove, the whole of the Scots law. So general was it, that if by an act of parliament new jurisdictions were given to any court, the decision of that court would not be final, without express words inserted in the act to make it so. In all civil cases, there was an appeal from the courts of Scotland. In all criminal cases there was an appeal by advocation from inferior courts to the court of justiciary.—The only objection he could imagine was, that it would be bringing matter of law before a tribunal not acquainted with the Scots forms of proceeding. This would apply more forcibly to the appeal

* See Howel's State Trials, Vol. 23, p. 115

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in civil cases; for in criminal cases the trial was by jury, and the proceeding much more similar and analogous to those in England. It could be considered as no reflexion on the Scots judges, for if it were, the proceeding from court to court in England would be, what no man ever conceived it to be, a constant reflexion on the English judges. It would lead to accuracy in receiving evidence and making up the record so essential to the ends of justice; and it would open to the Scots lawyers all the valuable repositories of English criminal law, and make them familiar with those great lights of criminal jurisprudence, Hale, Hawkins, and Blackstone, and that valuable repository of criminal law, the State Trials. What he proposed was no novelty, for it stood upon precedent; it was within the meaning of the 18th Article of Union; and it was founded on the principle he had already quoted, that the court in which a case originates ought not to be the ultimate court to decide. He then moved, "that leave be given to bring in a bill to give an appeal to the Lords in parliament, from the judgments and sentences of the courts of justiciary and the circuit courts of Scotland, in matter of law." He next moved "that the said motion be referred to a committee of the whole House."

Mr. *Anstruther* felt himself under the necessity of opposing the motion, because it appeared to him to seek an alteration in the law of Scotland perfectly new in principle. He would maintain that no case whatever could be found in which an appeal in criminal cases at any period would lie from the court of justiciary to the parliament of Scotland before the union, nor any since to the parliament of England; nor any from the parliament of Scotland to the parliament of England. The learned gentleman had alluded to the doubts expressed by lord Thurlow, upon the propriety of such a measure; but the point had been settled by lord Mansfield, who, in 1781, had declared, that no appeal lay to this country. The motion, therefore, was not to recall the law of Scotland to its original purity, but to establish a new line of practice. He must also oppose it on the ground of expediency. He believed the attempt at making any alteration in the law of Scotland at this time would be very unpopular, for the mass of the people of Scotland were perfectly satisfied with the administration of justice in that country such as it now was. It had been said, that the principle, that no court should possess the power to begin and finally close a proceeding, was universal. This, he denied and referred him to the high court of parliament, where peers and commoners were tried from first to last. If ever there was a country perfectly happy under the administration of its laws, Scotland was that country. He therefore wished the House to reflect on the danger of making any alteration in laws that gave general satisfaction.—He entered into a discussion of the nature of writs of error, and maintained that in criminal cases a writ of error was not a writ which the subject could claim as a right, but that it was a mere grant of favour from the Crown, as much so, and even more, if possible, than a pardon. This was the law of England with respect to a capital offence. In cases of misdemeanor a writ of error was not a matter of right to the subject; it was wholly at the discretion of the attorney general. He objected on these accounts to the analogy which his learned friend had drawn between the right of appeal and that of writs of error. He objected also to the practice of introducing the doctrines of either Hale, Hawkins, or Blackstone, as expositions of the law of Scotland. This would produce endless confusion in the courts of law in that country, and if he was bound to take either, he would prefer a short bill at once to declare, that the law of England shall be the law of Scotland.

Mr. Serjeant *Adair* could not help applauding the candour, as well as the ability, with which the subject had been opened. The importance of it also demanded the attention of the House, and he did not see how that attention could be fully given to it, if the motion was rejected, for the whole of the merits of the question would in that case be laid aside; and he could not help saying, that his learned friend had stated ample ground to call at least for discussion. He differed widely from the learned gentleman who had preceded him as to the idea that the House should not enter into any discussion of the alteration of the law of any part of this kingdom, unless the people of that part had expressed a general wish for that purpose: he thought it, on the contrary, the duty of that House to inquire into such matters; and great indeed might be the grievances of the people be-

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fore redress would be had by their application, for their application would not come until their sufferings were almost beyond endurance; and he believed there were but few instances of laws being amended from the general application of the public to their representatives. It was the duty of parliament to examine into and correct the defect of the laws. He differed also from the learned gentleman in his construction of the nature of a writ of error. He had stated, that a writ of error in a capital offence was matter of pure favour from the crown. That was not his idea of that writ. He took it to be a matter of justice to the subject to grant that writ on a fair ground being laid for the application. If the indictment be substantially defective, the subject will be entitled to a writ of error, as matter of right. It was true, indeed, the subject had no means to compel the granting of the writ, for the law was silent upon that subject; but it was a prerogative of his majesty to grant it, and like other high prerogatives of the Crown, the constitution placed it in his majesty's hands, in the confidence that it would never be abused, and holding those responsible to the public, who should advise his majesty to abuse it. He differed too from the learned gentleman, as to the hardship of subjecting the people of Scotland to the law of England; he did not think that the people of Scotland would have much reason to be dissatisfied with such an alteration. The learned gentleman had said, he would prefer a short bill at once to declare that the law of England should be the law of Scotland. He differed from him entirely upon this point, conceiving that gradually and almost imperceptibly to assimilate the laws of the two countries, was the most prudent mode of proceeding. It was recognized by the article of Union, that the parliament of Great Britain might enact such laws respecting the public rights as might be deemed advantageous and politic, but the civil laws of the two countries were to remain unaltered. This was a wise distinction, and ought to be attended to. There was one ground, however, which had been advanced by his hon. friend, in favour of the motion, to which no answer had been given. The great benefit of an appellant jurisdiction; the right of appealing, and the power of reviewing the conduct of an inferior court. It was doubly good, it was good for the court appealed to, and the court appealed from, making each more cautious than it otherwise would be in coming to a determination. He would support the motion, not pledging himself to agree to all the provisions of the bill, when brought in.

The *Solicitor General* was of opinion, that the English and Scotch had a partiality for their respective systems of law. There might be prejudices, but they were such as should not be destroyed; nor would it be right to inspire ny jealousy between the two countries. The institution of the courts was different. The courts of Scotland were framed with a view to the laws which they had to administer, and therefore there would be danger in attempting to change them. Unless, therefore, much stronger grounds were laid, than had been stated in support of the motion, he should deem it his duty to oppose it.

Mr. *Fox* began with remarking on the very singular mode in which the question had been discussed. It had been said, that they were not to interfere till they received complaints of the judicial power from the people; this, he said, was one of the most dangerous maxims he had ever heard. The legislature were perfectly competent without the application of the people, and were better calculated to judge what it would be wise to adopt for the general welfare. With regard to the definition given by the learned gentleman of the nature of a writ of error, it was, in his mind, the very reverse of the spirit of the constitution. He seemed desirous of adopting the laws of France, which had been so universally reprobated. The learned gentleman had said, if any body bring forward such a motion, it ought to be lord Thurlow. This was no reason why any other gentleman in that House should not bring it forward; but if there was any argument in it, it was in favour of the motion, that lord Thurlow did express a doubt on the subject. If so, he conceived it to be an object that ought to be undertaken. Before the Union, when the Scotch law was in a barbarous state, appeals had been made to the privy council; and the obvious intent of the present bill was to put the Lords in the same situation as the privy council. It was their duty to follow the spirit of the act of Union. Mr. Fox entered into an animated defence of the right of appeal, and contended in favour of an appellant having a power to obtain jurisdiction from the

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determination of any court not that he meant to impute corrupt motives to any body of men, but because the very principle of an appeal was the wisest that ever was attended to in the formation of laws for civil society; for it went to confess our infirmities in all stations of life, and in his opinion the greatest proof of human wisdom was the recognition of the weakness of human judgment.

Mr. Serjeant *Watson* said, that some solid reasons should be assigned for this change in the law of Scotland, and parliament should be cautious of engrafting the law of Scotland on the law of England. The principle seemed good in theory, but the people of Scotland felt no inconvenience no injury from the law in the present form.

The *Master of the Rolls* began his opposition to the motion, by stating, not only the utility, but the comfort to a judge of an appellant jurisdiction. But he could not see the propriety of introducing that principle into the criminal law of Scotland. The Scots criminal law and that of England had no affinity whatever. In England, the criminal law was by long experience brought to great perfection, and all the different gradations, such as capital felonies, clergyable felonies, and misdemeanors, were clearly ascertained. No such distinctions were recognized by the law of Scotland; and to bring the criminal law of that country to be decided by the analogy of the criminal law of England, would, in his opinion, be very impolitic.

After a few words from Mr. Stanley, Mr. Montague and Mr. Drake, and a reply from Mr. Adam, the House divided:

Tellers.

Yeas	Mr. Adam, - - - Major Maitland - -	31
Noes	Mr. Anstruther - - Sir John Sinclair -	126

So it passed in the negative.

Debate in the Commons on the Budget.] Feb. 5. The House having resolved into a Committee of ways and means,

Mr. Chancellor *Pitt* said, he rose to lay before the Committee as fully, but as concisely as he was able, the various important particulars which were that day to be submitted to their consideration. In doing this he should call their attention to the several heads of supply and ways and means, in the order in which he proposed to arrange them. First, he would state the extent of the provisions made, according to the votes and estimates, for the various branches of the public service, for the vigorous prosecution of the war; secondly, all the articles of supply and ways and means; and thirdly, all the particulars of the loan, the resources arising from other measures of finance, and the new taxes necessary for defraying the additional expense of the interest of the loan. On the first of these heads it would scarcely be necessary to dwell, as it had already come before the House in detail. He should only remind the committee that the first question for every man who felt for himself, for his country, or for mankind was, to be satisfied that the measure of our exertion was adequate to the end we had in view, or limited only by the extent of our ability. When the contest, in which we were engaged, was for the whole that we possess, surely no man could hesitate to contribute a part.

The first head of public service in the order of the votes, and in the general opinion and favour of the country, was the Navy. In the second year of the war 85,000 seamen had been voted, with the satisfaction of knowing that at the end of the first year, commenced with only about 10,000 of that number, the increase had been between 50,000 and 60,000; that we were now nearly arrived at the number voted for the second year; and that the increase of the number of our ships had kept pace with the increase of the number of our seamen. The augmentation of our naval force was almost in proportion to our wishes, and much greater than had been effected at any former period within the same time. The Committe would observe that a vote for 85,000 seamen was sufficient to cover the employment of a much larger number, if occasion should require, and a larger number could be obtained in the course of the year.

The House had already concurred in voting all that was required for the Army at the present time. The actual augmentation in the first year, had been more rapid and extensive than had been known in any former period of our history, and larger than at the conclusion of some wars, 30,000 effective British troops had been added in the course of one year; and for the second year, the House had voted 30,000 more. The total of our army, including regulars, militia, and fencibles, was above 140,000 British troops. But

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besides these, the necessary charges had been voted for between 30,000 and 40,000 foreign troops. In the ordnance branch also, the augmentation had been greater than formerly, and in proportion to the circumstances and new principles introduced in this war. The artillery consisted of between 5,000 and 6,000 men. So that the whole number of men employed, including seamen, regular British troops, militia fencibles, foreign troops in our pay, and artillery, amounted to 250,000. If he could prove that we were able to provide for and support that force, it would, he trusted, be admitted that ministers had not been deficient in point of diligence, and that their exertions had been equal to the exigency of the occasion and proportioned to the necessity which called for them.—A large provision was to be made for the exceedings of last year, and although he lamented the necessity of the demand, it was some satisfaction to know that it arose chiefly from the rapidity with which the number of seamen had been increased, and ships fitted and victualled for service. From the very nature of the expense, it could not occur again in any thing like an equal degree. There had been already voted, for the three different services, that he had mentioned,

	£
Navy.—General service of the Navy	4,420,000
Ordinaries	558,000
Extraordinaries	547,000
Total amount of the Navy	5,525,000
Army—General service	4,362,000
Foreign troops	1,169,000
Extraordinaries for 1793	808,000
Total amount of the army estimate	6,339,000.
Ordnance.—Ordinaries	324,000
Extraordinaries	377,000
Debt incurred last year and unfunded	643,000
Total of the Ordnance	1,345,000

The miscellaneous services were 206,000*l.* exceeding by 80,000*l.* the estimate of the finance committee of 1791. The deficiency of grants was 474,000*l.*; deficiency of land and malt taxes, 320,000*l.* In addition to the war and ordinary charges there was a sum of 200,000*l.* which the House in 1792 had thought proper to appropriate to the reduction of the public debt, over and above the other appropriations for that purpose; and although it had not been made perpetual, he wished not to depart, even while under the pressure of war, from what it had been thought adviseable to do in a season of peace and prosperity.

The exchequer bills, amounting to 5,500,000*l.*, it had been usual to discharge, and to issue new bills for the same sum, and therefore to leave them out on both sides, in striking the balance between the supply and the ways and means. At present, it was necessary to include them in the account, because he intended to make a provision for any expenses, over and above the estimates and votes of supply, that might be incurred in the course of the year. Any sum for this purpose must necessarily be taken on conjecture; and he meant to propose that the commissioners of the treasury should have a vote of credit for 2,000,000*l.* in exchequer bills. Last year 1,500,000*l.* was voted for the same purpose; and that the amount of exchequer bills might not be too great, an equal sum was paid off, for the same reason he should in the first instance issue only 5,500,000*l.* of exchequer bills this year, which would leave an opening for the 2,000,000*l.* on the vote of credit, if it should be found necessary to issue the whole or any part of them. The whole supply would then amount to 19,940,000*l.* consisting of the following heads.

	£.	
Total amount of navy, army and Ordnance	£.	13,210,000
Miscellaneous services		206,000
Deficiencies in Grants		474,000
Ditto in land and malt tax		350,000
Additional sum to the commissioners for discharging the National debt		200,000
Exchequer Bills		5,500,000
Total amount to be provided for		19,940,000

The ways and means to provide for this were, land and malt, 2,750,000*l.*; exchequer bills 3,500,000*l.* The amount of the permanent taxes from the 5th Jan. 1793, to the 5th Jan. 1794, was 13,941,000*l.* considerably less than the produce of 1792 but greater than the produce of 1791. The produce for the present year was to be estimated either on an average of former years, which were years of peace, and therefore to be taken with some allowance or on the produce of one year of war. Now it happened, in the present instance, that the difference between the two was not material. After deducting the amount of taxes repealed, the average of four years was 13,994,000*l.* The charges on the consolidated fund were, for this year, 11,797,000*l*

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The growing produce of the consolidated fund, applicable to the purposes of ways and means, was therefore 2,197,000*l.* Although the East India company might suffer some temporary defalcation of profit, by the increase of freight and the decrease of sales, yet they had obtained such ample security for their establishments in India, by the capture of all the enemy's factories and settlements, that there was no reason to apprehend any inability on their part to pay the 500,000*l.* a year to the public. The sum then wanting to make good the whole of the supply was 11,000,000*l.*, and this was to be raised by loan.

He enumerated the articles as follows :

Malt Tax	£. 2,750,000
Exchequer Bills	3,500,000
Growing produce of taxes, after answering Charges of Consolidated Fund	2,197,000
From the East India Company	500,000
Loan	11,000,090
	£.19,947,000

He next entered into a comparison of the several articles of ways and means for the present year, with the estimate of the finance committee in 1791, from which he made out that there was now in the second year of war 800,000*l.* more revenue applicable to the public service than in 1791. Of this 500,000*l.* was paid by the East India company; but the produce of the permanent taxes exceeded the estimate of the finance committee in 1791 by 522,000; and after deducting additional charges on the consolidated fund, left 300,000*l.* to be added to the sum paid by the India company.

In the course of the last year the navy debt had increased 3,200,000*l.* This he did not mean to leave, as in former times, accumulating till the end of the war. He did not, however, propose to fund the whole of it, because, as navy bills had been issued at a discount, those who held bills of the latest date, would receive a greater profit, and an earlier payment, than they were fairly entitled to. On this subject, however, as he should bring forward a proposition on a future day, it was only necessary to say, that he meant to make immediate provision for the interest of the whole sum; to fix a period for the payment of navy bills in ready money within fifteen months after their being issued; and instead of allowing no interest till six months after the date of the bills, which had been the former practice, to allow four per cent. interest from the time of issuing. This, he was informed, by persons well qualified to judge, would put an end to the discount on navy bills, which had always, in time of war, been so disadvantageous to the public. He should propose funding all the navy bills to March 1793, about 1,900,000*l.* provided the holders should agree to the terms he meant to propose. There might also be some increase of the navy debt this year, but nothing like what the increase last year had been. The expense of transports was uncertain, and might exceed the estimate by 500,000*l.* The usual sum of 4*l.* per man per month for pay and victualling, fell short of the actual expense about nine shillings a month, which would make 500,000*l.* more. For the probable exceedings of the navy, he meant therefore to allow one million more, and to provide for the interest of it, that no debt might appear to be withheld from public view, and that the system formerly laid down might be strictly adhered to.

In negociating the loan, he had endeavoured to encourage a free and open competition among monied men, without having any thing to do with the distribution of it; taking care only that the bidders should be of such responsibility as to insure the payment of the first deposit, which might be considered as the security to the public for the rest. Five most respectable sets of monied men had offered, and the effect was such as might have been expected. The terms were highly favourable to the public; and what was also desirable, he hoped safe to the lenders. For 100*l.* they were to receive 100*l.* 3 per cents, 25*l.* 4 per cents, and 11*s.* 5*d.* long annuity. At the current prices of the day on which the bargain was made, these were worth 99*l.* 19*s.* 9*d.* This perhaps was the first instance of a loan, in which the fractional difference between the sum borrowed, and the sum to be paid, was in favour of the public. In which the discount on prompt payment was the only premium to the lender.—The discount on 90*l.* viz. the sum remaining to be paid after the first deposit, for eleven months, at 3 per cent., was 2*l.* 9*s.* 6*d.*; which, added to 99*l.* 19*s.* 9*d.*, made 102*l.* 9*s.* 3*d.* for every 100*l.* of the loan. This was no doubt a considerable premium, but the smallest he believed that ever had been given.

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The annual sum to be provided for the payment of interest, and one per cent. for the gradual liquidation of the capital, in conformity to the system sanctioned by parliament, and not to be departed from, even during war, was for the loan 650,000*l.* adding the sum to be provided on the same principal, for the actual and expected navy debt, would make 898,000*l.*

The Glove tax produced so little, and was found to be so vexatious to those who paid it, that he meant to repeal it, even at a period when it might seem that no resource of revenue, however small, ought to be relinquished. The tax on births and burials, which had been imposed, rather as a regulation, and more with a view to information than revenue, he meant also to repeal. These together had produced about 10,000*l.* The whole sum, which he had to provide for, would thus be 908,000*l.* To call for so large a sum, must be matter of regret at any period; but if the circumstances of the time required it, the same circumstances allowed not of hesitation. If the charge was large, the largeness of it arose from bringing forward with scrupulous exactness every article of present expense, and adhering with strictness to the system adopted for the gradual reduction both of the old and the new public debt; and the House would have the consolation of knowing, that, as his majesty had stated from the throne, there were such means as would meet the exigency, without any pressure which could be severely felt by the people. Of the taxes imposed in 1791, a burden they had experienced and knew could be borne, the average produce, after deducting the amount of those which had been repealed, and which he did not mean to renew, was 635,000*l.* The annual charge upon them was 250,000*l.* leaving a surplus of 385,000*l.* By the new regulation of the duty on spirits in Scotland, there was a surplus, over and above making good the repealed duty on coals, of 43,000*l.* This having been tried for one year only, would probably increase; and with the sum above-mentioned, might be taken at 430,000*l.* The remainder was to be provided for by new taxes

The first that he would mention, was an additional duty on British and foreign spirits. On these it was desirable that the duty should be as high as possible, without affording such advantage and temptation to smuggling, as might operate as a premium to the illicit trader, and tend materially to injure the revenue. Formerly it had been so high as to produce this inconvenience, and a remedy had been applied by lowering the duty. It was afterwards thought that, when the capital of the smugglers was destroyed, or diverted into honest channels, the duty might be somewhat raised without danger; and the experiment had succeeded. The facility of smuggling French brandies, the great article of smuggling, was at present annihilated; for even smugglers were not exempted from the general proscription of the national convention. The smuggling of rum had always been small, from the distance from whence it was brought, and the nature of the vessels in which it was imported, and also because it might easily be watched. When peace came, and with it the opportunity of smuggling from the French coast returned, the additional duty might be repealed, as the increased produce of other branches of revenue would more than make good the amount.—New buildings certainly had not decreased in consequence of the tax on bricks and tiles; on these articles, therefore, he should propose an additional duty.—Slate and stone being employed for similar purposes, ought to pay in proportion, as far as that could be ascertained: but as it would be difficult to collect a duty upon all that could be raised from quarries, he meant only to propose a duty on such as came coastways.—He would next propose a tax, on what might fairly be considered as a mere article of luxury, plate and crown glass.

The multitude of sorts into which paper was divided with a view of proportioning the tax to the value, a most desirable object, if it could be accomplished, had given rise to frauds. He meant, therefore, to simplify the duty, by reducing it to three sorts only; and to add one-half to some, and one-third to others.—Last of all, a tax which had been suggested to him by the highest judicial authority in the kingdom, an additional tax upon attornies. He meant to charge a duty of 100*l.* on the indentures of every person articled to an attorney; and 100*l.* on the admission of every person already articled.

RECAPITULATION.

British spirits one penny per gallon

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additional on the wash	£.107,000
Brandy ten-pence per gallon } Rum nine-pence per gallon }	136,000
Bricks and tiles 1*s.* 6*d.* additional per thousand	70,000
Slate carried coastways 10*s.* per ton —stone 2*s.* 6*d.*	30,000
Crown and plate glass, additional	52,000
Paper, additional	63,000
Attornies, additional	25,000
Add surplus of taxes 1791	430,000
Total	913,000

Having thus stated the amount of supply and ways and means, as well as the services to be performed, the loan and other measures of finance, he said he should be happy if the House thought the provision was ample, and the means easy as far as circumstances would admit, and likely to be effectual. What was the nature of the provision? In addition to the large estimates for the immediate service of the war, two millions were provided for extraordinary and unforeseen expences, with ample means for removing the pressure of the unfunded debt, and all this without deranging the system for the reduction of the old funded debt, the sum applied to which, besides accumulating at compound interest, was farther increased by 200,000*l.* Provision was also made, not only for the interest, but for the liquidation, of the new debt in proportion to the capital borrowed. The Navy debt was put into a state by which the inconvenience of large discount on Navy bills, so severely felt in former wars, would be avoided. If the terms of the loan were considered, it would be found that public credit and public confidence were unimpaired. The state of the revenue afforded grounds of satisfaction beyond the most sanguine hopes that could have been formed respecting it. Of the taxes great part had been already borne without inconvenience, and the rest were mostly additions to articles which experience had proved to be productive with the least possible burden to the public. The future produce of the revenue was calculated on the average of four years of peace, from the first year of war, in which it was more likely to suffer, our naval superiority, and our improved state of preparation considered, than in any future year. The circumstances and situation of Europe (except in as far as every country engaged in the war, becoming poorer the longer the war continued, must be a less valuable customer, for our manufacturers), were more favourable to the extension of our trade than in 1793; because places then in the possession of France, were now delivered from the anarchy and distress, which French fraternity carried every-where along with it; but infinitely more than for any other reason, because the singular and extraordinary stagnation of trade, occasioned by the sudden and violent interruption of commercial credit, was now, and had long since been more completely at an end than any man could have presumed to hope. If the revenue had even failed last year, it would not have been very extraordinary, nor would it have been a just cause of discouragement; but its having been productive in an eminent degree, afforded a well-grounded expectation, that under all the circumstances, the produce of the present year would be equal if not superior, to that of the last. The produce of the permanent taxes for 1793, was 13,953,000*l.* independent of the temporary taxes to be continued: this was less than in the year 1792, a year of the highest commercial prosperity, by 369,000*l.* But we did not calculate on the produce of 1792. We formed our estimate on the average of four years, 500,000*l.* less than the produce of 1791; and the actual produce of 1793, exceeded that average by 137,000*l.* He stated how far it exceeded the estimates of the finance committees of 1786 and 1791; and added, that taken in any point of view, the revenue had produced 500,000*l.* a year more than had been expected at the most prosperous period. This excess he did not mortgage, but left to meet future exigencies, or to accumulate if no such exigencies should occur. These were our hopes in time of war, and with the surplus which, but for the war, would have been applicable to the reduction of our debt whenever the moment of peace arrived, we should recur again to that system, the blessings of which we had already felt, and the progress of which had been interrupted by no fault of ours. While the war continued, we must resolve to meet it as the most important duty ever imposed by the dispensation of providence on any nation on the face of the globe.—He concluded with moving his first resolution.

After a short speech from Mr. Fox, the several Resolutions were agreed to.

Debate on Mr. Grey's Motion respecting employing Foreigners in any Situation of

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Military Trust, and bringing Foreign Troops into the Kingdom, without the Consent of Parliament.] Feb. 10. Mr. *Grey* said, he rose in consequence of a notice he had some time given, to make a motion which appeared to him to be of great consequence to the constitution, and to the liberties of this kingdom. The point which he had to establish was plain and simple, and that it might not be mixed with considerations that were foreign to it, he did not mean to consider how far it might or might not be expedient to introduce at this time foreign troops into this country; his object was to prove that, whether expedient or not, the measure itself was clearly unconstitutional and illegal; that the king had no power to do so, without the consent of parliament. On urgent occasions it might be proper to introduce foreign troops into this country, but that should never be done except in cases of extreme and proved necessity; it never could be done legally, but by the consent of parliament; and never should be suffered to be done without being watched with that constitutional jealousy which was the best part of the character of that House, and the best security for the rights and liberties of the people. Although he was not ready to deny, that, for the purpose of our own defence, we should sometimes employ foreign troops, yet he could not help thinking, that the wisest course for us would be, to rely on what had been emphatically called the energy of an armed nation. These were points not immediately within his purpose. The point which he had to maintain, was, that it was contrary to the principles of the constitution for the king to introduce foreign troops, without parliamentary sanction. It was clear to him that the king had no such right. If the king had a right to introduce into this country foreign troops, without the consent of parliament, and the exercise of that right was expedient at the present moment, let gentlemen say so, and meet his proposition with a direct negative. If, on the other hand, the legality was doubtful, but the exercise of the power under the present circumstances expedient, still he hoped the point itself would be determined instead of being avoided by the previous question. It would not be necessary for him to go back to the earlier period of the common law of this country; we know that in those ancient times there was no such character known as a modern soldier; inferior lords held military tenures, and supplied the state by a number of their vassals for a limited time. At the time of Charles the 2nd. there was no such thing in this country by law as an army, except an army created by parliament; and it remained now for the House to see whether the king can at this day, by his own authority, constitute in this kingdom a military law without the sanction of parliament. First he should wish to argue this important question upon the ground of positive and strict law, as well as the principles that were secured to us at the Revolution. The first thing that he should allude to, was the Declaration of Rights by which it was positively declared, that to raise a standing army in time of peace, unless by the consent of parliament was against law. He might be told that this point was only to be insisted upon in time of peace, and was not at all applicable to a time of war. He owned he did not like the distinction, nor did he believe it to be a good one, the principle of our constitution did not turn upon such niceties, for the principle was, that parliament should always have the power of granting all military force to the sovereign. He might rely on the bill of Rights as an explanation of the law of England in all the points on which it touches. It was not a bill which gave any rights to the people of this country; it was only a bill that declared rights which had before existed. It would appear by this very bill, that the framers of it had it in contemplation, that neither in time of peace nor war should the king have any power to introduce foreign troops into this country, without the sanction of parliament. If they had meant to give him that power in time of peace, they would have expressed themselves in a direct sentence to that effect; he was therefore intitled to say upon the very spirit of the bill of Rights, that the king had no such power as he had exercised in the case of the Hessian troops. —Mr. Grey then entered into a history of various cases, as applicable to the point in question. The first he quoted, was the case in 1775. The next was a case determined in 1698: this case he relied upon very much; for although it was not in time of actual war, yet it was immediately after the war, and the king sent a message desiring that some Dutch troops might be suffered to remain, and promised that no improper use should be made of

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them, yet the Commons refused. Here he read the message of king William, and the address of the Commons in answer to it. The next point to which he called the attention of the House was, the spirit and extent of the act of Settlement, which also tended to support his proposition. This act expressly said, "that no office of trust, civil or military, shall, on any account whatever, be held by any but natural subjects of his majesty, born within the realm." The command of these troops now within this realm, was a great military trust, and therefore directly contrary to the act of Settlement. The mutiny bill, too, would illustrate his proposition; without the passing of that bill the army could not be under military law. This was a principle which no one would be disposed to dispute: the Marine Mutiny bill was of the same nature they both proved that the king could have no troops except such as had been granted him by parliament; that without the Mutiny bill none of them could be punished for desertion or disobedience to any military orders. These very Hessians were not at this moment under military law. They could not be treated as soldiers in this country, for whatever power might be exercised over them before they came here, the moment they landed in England they were *ipso facto* discharged and disbanded; and if any of them desert or disobey any orders given to them, there is, no law by which they can be tried. He wished to know after this, whether he was not justified in saying that, upon the general principles of the constitution, the king had no right to land foreign troops here without the previous consent of parliament? This was not all, for it was forbidden by the express contents of many acts of parliament. In 1756, which was a period of war, a certain number of foreign troops had been employed to go on the American service, and they were to be landed here; the earl of Chatham was then a member of that House, and said, that the landing of those troops was unconstitutional, and that he would impeach the minister who should dare to advise his majesty to do so. The 29th Geo. 2, the first time of the Marine Munity bill, and the 8th of the present king he alluded to also, to prove that the king had no power to have any foreign troops in this country without the sanction of parliament. He here took a view of the different instances of messages from the throne, concerning the landing of foreign troops in this country, from the year 1715, down to the present time in which he quoted the celebrated speech of Mr. Speaker Onslow, to the throne in the year 1756*, he took notice also of a case in 1775, when troops had been landed, without the previous sanction of parliament, and ministers thought fit afterwards to defend themselves upon the ground of the necessity of the measure, but gave up the constitutional part of the measure or the legality of it, and screened themselves behind a bill of indemnity: against this measure, there was a very spirited protest in the House of Lords†, signed by many of the highest characters in the House, and among them the duke of Richmond, who was now one of the cabinet advisers of the king, and who possibly might now think legal and constitutional the very thing against which he protested in the year 1775. Be that as it might, the House ought to come to a determination upon the subject. In his opinion, it was a question of great importance to the constitution of England, to the very principle of freedom itself, for of what avail was it to us, to say we were free, if the king had power to introduce among us any number of foreign mercenaries he might think fit, to overawe and subdue us at his pleasure? We might as well declare at once, "that the Revolution was nothing more than a successful rebellion; that passive obedience and non-resistance were the best of doctrines; that opposition to sovereign power, at any time and under any circumstances, was an opposition to the ordinance of God; that the actions of tyrants were not to be examined by the people, for that sovereigns were God's vicegerents upon earth, and accountable only to God for their actions; that under any oppression whatever, resistance was a crime, and obedience was a duty of the subject." These were doctrines which it would be candid to avow at once, if no attempt was ever to be made to check any prerogative of the Crown; and if were to proceed in punishing every miserable man without mercy, for endeavouring to call the attention of the public to any popular neglected rights, under the pretence of avoiding the anarchy and confusion of France. There was no man who abhorred more than he did their present government! he thought the govern-

* See Vol. 15, p. 769.
† See Vol. 18, p. 726.

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ment of France was, what it had been called some time ago by a right hon. friend of his (Mr. Fox) a furious and rigid tyranny. Furious and rigid it certainly was, and the last form of government under which he would wish to live; he had rather live under Caligula or Nero, than under the present government of France, against such a system the last drop of blood he had he would consent to shed; but he would make no less exertion against incroachments upon the rights of the people by extending royal prerogative; for our constitution admitted of neither. He was sure his majesty had no bad intention in the exercise of his power, but it was the duty of that House to watch over the prerogative which his ministers might advise him to make use of; and he was sure also that his majesty would not think parliament was showing any distrust in his majesty by following the steps of the constitutional parliament in the time of king William. "Atque ego hoc non in M. Tullio, neque his temporibus vereor. Sed in magna civitate, multa et varia ingenia sunt. Potest alio tempore, alio consule, cui item exercitus in manus sit, salsum aliquid pro vero credi. Ubi hoc exemplo, per senatus decretum, consul gladium eduxerit; quis illi finem statuet, aut quis moderabitur. He then moved, "that employing foreigners in any situation of military trust, or bringing foreign troops into this kingdom, without the consent of parliament first had and obtained, is contrary to law."

Mr. *Powys* agreed that it was the undoubted duty of every member to watch over the conduct of ministers; but at the same time, it could not be denied that members had another duty equally important, which was, to watch over and to prevent great dangers coming from those who, under the pretence of preserving freedom, might propose measures which had a tendency to destroy all regular government, and to introduce anarchy and confusion. He felt no shame in confessing himself to be an alarmist, and that he was much more afraid of two or three score of red bonnets, than of all the crowns and sceptres in Europe. He was one of those who voted against the ministers in 1775; and he did so because he thought the measure illegal; but he thought he could point out very material distinctions between the principle of the two cases: in 1775, the foreign troops were sent into garrison in two very important places, and the English troops were sent to America; this he thought unconstitutional, and therefore voted against it. But what was the fact in the present instance? A body of Hessians had been brought over for a particular purpose; they were disembarked, it was true; but it was for the purpose of preserving their health, which would have been affected by remaining so long on board the transports.—The hon. gentleman had relied much upon precedents. There was one precedent which he thought precisely in point; and that was, the case of 1784. In that case, the foreign troops, on their return from America, were obliged be landed in England, from the circumstance of the river Weser being frozen up which rendered it impossible for them to return home immediately. The opposition of that day took no notice of it, though about that time, they had carried some motions against the ministers. It was the duty of every member to oppose the encroachments of prerogative, the *Vultus instantis tyranni* but at the same time they should guard against the *Civium ardor prava jubentium.*

Mr. *Whitbread* said, that the hon. gentleman had dwelt strongly upon the expediency of introducing the Hessian troops at this time into England; that was not the question then before the House. The possible expediency of such a measure his hon. friend had admitted; and had confined his motion strictly to the legality of bringing those troops into the kingdom, without the previous consent of parliament. To this position the hon. gentleman had subscribed in 1775; but it appeared that he meant to vote that to be legal in 1794, which in 1775 he had voted to be illegal. Whether any circumstance had occurred to change the law upon the subject, within those periods he submitted to the consideration of the House. He contended that the whole inference from law, and the earliest practice of the constitution immediately subsequent to the revolution, bore out his hon. friend in all the assertions he had made: nor had the last speaker attempted to invalidate his statement, except on the ground of precedent. On the score of precedents, he was of opinion, that not even an uninterrupted series of precedents, from the revolution to the present day, would legalize an illegal act. If that were the case, where were we to look for the constitution? For sorry he was to say, that there was scarcely one stipulation

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of the Bill of Rights, for the infraction of which some precedent was not to be found. In the courts of law for instance, in the imposition of exorbitant fines, and the demand of excessive bail, directly contrary to the letter and spirit of the great charter and the Bill of Rights, and he would name lord George Gordon as a victim to the illegality of the proceedings of the court of King's-bench. But the hon. gentleman, by his vote in 1775, had abandoned all the antecedent precedents, and had only the one of 1784 to rest upon; and it would be worth consideration, how far that precedent could justify his conduct. Mr. W. then proceeded to show how inapplicable that case was to the present. The circumstance of our being then at peace would put the illegality of the proceeding out of dispute, even according to the strict letter of the law. The palpable reasons for their coming to England, and the notification for their departure, as soon as the navigable state of the Weser would permit, accounted sufficiently for the slight notice that was taken of the event at the time. But, independent of all this, it would be fatal to the liberties of the people, if the inattention of the House to any infringement of the constitution, at any period, were to preclude the assertion of their rights at any subsequent time. He concluded with referring to the warning given by the Lords, in their protest of the year 1756, to posterity, never to suffer the unjust encroachments of prerogative to pass unnoticed, and without the most strenuous opposition.

Mr. *Windham* said, that the hon. mover had, in the conflict of the night, acted not only as combatant, but as herald also. He had not only come forward to fight the cause, but had marked out the ground; and, having made choice of the inference which he wished the House to draw, had collected facts of his own for the purpose of establishing it. He hoped, however, that the House would examine those facts, before they assented to the hon. gentleman's conclusion. The chief point on which gentlemen seemed most to rely, was the incompetency of the crown to land foreign troops in England; and a question had been put with much earnestness, whether it was within the royal prerogative? To this question he, for one, would give no answer; nor would he ever enter into the discussion of an abstract question which did not arise immediately from the case under consideration. In the present case, the simple fact of some Hessian troops having been, under a pressure of untoward circumstances, landed in England, was wrested to the purpose of calling into debate the limits of the royal prerogative, and of agitating a principle which did not at that day remain to be determined. The real question for the consideration of the House was, whether ministers had acted wrong in advising the landing of those troops? and in the proof of that point, he contended, the gentleman had completely failed. The hon. mover had taken much pains to make the bill of rights subservient to the purposes of his argument; but it was beyond the reach of human ingenuity to reconcile the provisions of that bill to the reasoning of the hon. gentleman. Nay, he would maintain, that the bill of rights, by tacit implication, left provision for the exigencies of war; for the words of it are put most emphatically, "in time of peace." He reprobated, in terms rather of ridicule than asperity, the mode of reasoning used by the hon. gentleman to prove, that if the bill of rights provided against the landing of foreign troops in England in time of peace, *à fortiori* it went to time of war. It was a kind of argument, which might serve certain inflammatory purposes, but could never produce conviction; for if it even succeeded so far as to show that the words of the bill of rights were not directly against him, it could never go so far as to establish a point in direct contradiction to its provisions. In short, he maintained that words could not be found more clear and explicit than those of the bill of rights to which he alluded. How far the principle enforced by them was right or wrong, it was not now his business to say; but whether they were right or wrong, they certainly were, upon the most strained interpretation that gentlemen could give them, fundamentally and literally unfavourable to the hon. mover and his arguments. The hon. mover had several times told the House, that acts of the nature of the bill of rights should be construed liberally; he confessed that he was at a loss to determine what was meant in that case by "liberally." Did the hon. gentleman mean that every construction tending to abridge the prerogative was to be considered as liberal, while, on the contrary, constructions, however just, which went to confirm or leave it where it was, were to be considered as illiberal? The liberality contended for, seemed to

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be all on one side. Mr. Windham exhorted the House to carry along with them the fallacy of the reasoning on the other side of the question. The hon. mover takes the words of the act "in time of peace;" then begs the question, and assumes that the act goes to time of war too; and then tells the House, that though the act did not express it, yet they must take it for granted. Conscious, however, that this intellectual link was too weak to sustain the weight appended to it, the hon. gentleman has recourse to a kind of middle means, and brings a case in point, which being between peace and war, was absolutely neither, but partook of both, and applies it as a precedent on which to ground his argument, But such obvious fallacies, such chimerical arguments, would never have weight in this or any other rational deliberative assembly. The hon. gentleman, calls loudly on us to throw aside precedent, to burn our acts, to tear to pieces our records, and, by a commodious and summary way of proceeding, would have us adopt general principles when they suit the convenience of his argument, and reject them when they militate against the conclusion he would draw. Mr. Windham confessed, that whatever novel sentiments others might have imbibed in the present rage for innovation, old prejudices still hung about him, and he should always look for the constitution in the practice of it. Records, he acknowledged, should be selected with caution, but not put entirely out of the case; and he, for his part, would never agree to their being rejected, out of compliment to any gentleman's argument or opinions. The introduction of foreign troops was warranted, he contended, by all precedents.

Lord *George Cavendish* said, the motion had his fullest approbation. If it was necessary to bring foreign troops into this country, ministers ought to have come to parliament for a bill of indemnity. This was the former practice he wished they had done so now, for it was agreeable to the constitution of the country as he had learnt it. He was no follower of fashions, and therefore not apt to change his constitutional opinions; but there were some people in office who thought that whatever they wished to do was to be received as the constitutional doctrine of the day. It was common to talk of alarm for the constitution; he thought there never was such cause for alarm as when he saw men with the word constitution in their mouths, and at the same time doing all they could to fritter away and undermine it.

Major *Maitland* encountered the positions laid down by (Mr. Powys), who had completely failed in his attempt to justify the dereliction of the principles which he had professed in 1775. He then turned to the arguments which had fallen from Mr. Windham. He was sure the hon. gentleman's memory had failed him; for, in arguing on the subject of the bill of rights, he had never introduced one syllable of the act of settlement, which was an act explanatory of the bill of rights. He insisted, that a declaratory law was to be construed, not by the letter, but by the spirit; and by the true spirit of the bill of rights, and the subsequent act of settlement, the king had no right to bring foreign troops into the kingdom, without the sanction of parliament. The act of settlement particularly provided, that no foreign person or alien should be put in any office of trust; and what, he asked, might be the case? A Hessian might, according to the system held then, get the command of Portsmouth, our great national depot. By the mutiny act, the king cannot keep an army but from year to year, without the sanction of parliament. He might subsidize Hessians, and employ Hanoverians, but he could not land them in England; at least, if he did, they ceased to be soldiers on their landing: they were under no military law, were subject to no discipline, and would in fact be only an armed banditti.

Mr. *Francis* said, that he rose to speak to a single point of fact, which had been made the subject of much discussion, but which had, in his opinion, been totally misunderstood; he meant the article of the bill of rights, which related to the maintaining a military force in time of peace, without the consent of parliament. Although he concurred entirely in all the general principles and arguments resorted to by his friends, who brought forward and supported the motion, he differed from them in some degree in their construction of this article; and that he did so with some surprise at what he conceived was their mistake. But he was not at all surprised on finding that, on this point, he differed totally from his hon. friend (Mr. Windham); for that gentleman had utterly forgotten the words, and of course could not avoid giv-

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ing a false construction to the meaning of the bill of rights. Instead of the words of the law, he had substituted his own, and on those he had argued. He had quoted the bill, as if it had said, "That the introduction of foreign troops in time of peace was against law. The bill of rights said no such thing, or rather it said nothing on the subject. On the face of the bill it did not appear that that point was at all in question. It never came into contemplation with the patriots, who framed the law at that period, that such a question could ever exist, or could ever be debated or endured in a British House of Commons. What the bill declared was, that the raising or maintaining a standing force in time of peace, without the consent of parliament, was against law. What force? A native force certainly. The force, which they had seen maintained by James the 2nd. They applied their remedy to the grievance. Not a word does the bill say about the introduction of a foreign army. They did not foresee, they did not suppose it possible, that the king, by his prerogative, could, in any circumstance, bring a foreign force into Great Britain, without consent of parliament. For such an event, therefore, they made no provision.—I grieve, said Mr. Francis, to see that doctrines so gross and dangerous can be maintained by any man, particularly by a man so liberal as my hon. friend. Is it so indeed? Is this the constitution? Then where is our security? God forbid, Sir, that any thing I say on this subject should be thought of, as if it could be applied to the gracious prince upon the throne! In his virtues we have a security; and it is fortunate for the country that we have that security. According to the principles and doctrines which I hear every day in this House, if they should prevail, I am sure we have no other. But worse times may come, and princes of a different character may reign over us, in whose hands the doctrines and precedents now established will be weapons to destroy us.—But a distinction is taken, which is supposed to be prodigiously material. "They cannot introduce foreign troops in time of peace." Why, Sir, what does it signify? The king, by his undoubted prerogative, as I hear it perpetually affirmed, can make war at his pleasure. I deny it utterly; and have no doubt of being able to prove, whenever an occasion offers, that by the history and constitution of England, the crown has no such prerogative. But, if that be taken for granted, as it is much too generally, what follows? What have the ministers of the crown to do but to excite or create a foreign quarrel, which is always at their command and then they justify upon the case. They may bring any foreign force they will into the kingdom, because it is time of war; that is, they make the time and the occasion when they will. If it be lawful, on that ground, to bring in 4,000 Hessians to-day, why not 10,000 Austrians to-morrow, and 20,000 Russians the day following? A base, corrupt and abject people, when once they are properly frighted, when once they are sufficiently alarmed, will submit to any thing for the sake of being defended. The English nation will be threatened with a French invasion, and instead of being called upon to defend themselves, will be told that they may be perfectly quiet, for the king has subsidized an army of Germans, and will take care to protect them without giving them any farther trouble. I trust that Englishmen will look a little to the conclusion of this doctrine, before it be too late. Sir, I am bold to say that I have learned my constitutional principles from some of the greatest men that have lived in England in my time, and shall not readily abandon them in favour of new ones. With respect to this distinction that is set up and insisted on, namely, that the king has the prerogative in question in time of war, but not in time of peace, I declare for myself, that, if I were forced to an option, I would rather it should be said that the king possessed this power of bringing in foreign troops in peace than in war. Why? Because, if such a thing were attempted in time of peace, it would appear at once so alarming and so exorbitant, that every man would oppose the exercise of it. The precedent could not be established, or it could not be materially injurious. Not so when foreign war and fictitious alarms furnish pretences for calling in a foreign force, and create a disposition to receive it. Then, indeed, the danger is serious. The provision that is made for your defence, may be instantly turned to your destruction. On these general grounds I concur in the motion made by my hon. friend.

Mr. *J. T. Stanley* conceived that the motion was unnecessary, and that it was calculated more to excite the exercise of democratic principles without doors, than to be of any real advantage to the coun-

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try. The hon. mover had declared the constitution violated by the landing of the Hessians in this kingdom, but the measure had not been done in a clandestine manner; his majesty's message to the House had explained his motives, and the necessity there was that they should be landed. When the House, therefore, had voted thanks to the sovereign for his message, it acquiesced in the proceeding, and so far from the business being a matter of reprehension, if necessary, a bill of indemnity should be passed, in preference to the present motion. For these reasons he would oppose the motion.

Mr. *Wallace* said, that gentlemen on the other side had not proved that the bringing of foreign troops into the kingdom, in time of war, was contrary to law, to precedent, or to common practice; nor had they shown that, if this right was lodged in the hands of the executive, the discretion in the present exercise of it had been abused. He had no hesitation in saying that, as far as precedents and authority could lead him, he believed the power of introducing foreign troops into the kingdom, in time of war, did form a part of the royal prerogative. Of this at least he was sure, that such a power had been again and again exercised, and that the instances were only to be numbered by the wars in which we had been engaged. He had examined the various communications to parliament upon this subject, and if any thing might be collected from the terms in which they were conveyed, the right he alluded to was by each of them directly asserted. His majesty informed them, that he had given such and such orders; but in no single instance, did he solicit their consent, and he was inclined to think, that should this House feel a disapprobation at the landing of troops, in consequence of those orders, and carry an address to the foot of the throne, it would be a matter of mere discretion how far his majesty's conduct should be governed by it. That no army could be maintained in time of peace, without the consent of parliament, was an article in the bill of Rights; but what did that bill say of a time of war? Not a single word. With regard to foreign troops, from the Revolution down to the present hour, he could discover nothing that did not recognize the power he had mentioned; he found them serving in this country, through the wars of king William, and dismissed only after the peace of Ryswick in 1698. It was not the necessity of supporting the Revolution which retained them; their assistance, in that point of view, had long ceased to be requisite; the Revolution was firmly fixed and settled. Why, then, were they not dismissed? Because the king thought proper to keep them, and the parliament did not feel that its power extended to their dismission; for, from circumstances that attended at last their being sent back, we could entertain little doubt, that had it depended upon parliament, they would not have remained to be removed at the conclusion of peace in 1698. From that time, he found foreign troops repeatedly landed in the country; he found acts relating to them, after their being landed, but not one that controverted the right of bringing them into the country. In 1757 an act was passed for providing quarters for a foreign force. If no proceeding could be discovered previous to this act, which could in any way be construed into a parliamentary consent for bringing them, this act of the legislature went completely to recognize the power to exist in the crown. If there was any thing of the kind, let it be produced; if, however, the subsequent communication and address were taken as a consent he must say, that his majesty, in the present instance, was as completely possessed of the sanction and authority of parliament, as any of his royal predecessors in any one of the occasions which had been adduced. In 1777, when it was thought necessary to bring over some foreign troops, those who opposed it argued that the American war was to be considered in the light of a civil discontent, an internal commotion of the empire, which did not bring the landing a foreign force within the prerogative. This at least went to prove, that the opinion then entertained was, that, in time of war, his majesty did possess such prerogative, and that the exercise of it in the present instance, was neither illegal nor unconstitutional. It was remarkable too, that almost every instance that had been brought forward, of a foreign force in the country, was subsequent to the act of settlement, which declares, that no foreigner shall be capable of holding a place of trust or emolument within these kingdoms. How far any part of these troops could be brought under this act, he did not know; it did not appear to him, that those who acquired no permanent establishment, who were not subjects of the country,

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but of their native prince; who held from him their commissions and offices, could be considered as objects for the application of this law. But if all the precedents were admitted, and his majesty had the prerogative, and a most important one it was, the exertion of it was to be watched with the utmost vigilance; but though he was an advocate for vigilance, he did not think it was among the duties of that House to abandon all confidence in the executive; to teach the people that their interests, and those of the crown, were at variance; to suspect that ministers were the implacable enemies of the liberties of the country, and ever on the watch to surprise and destroy them.

Mr. *Montagu* was of opinion, that the present was a question which should not be agitated, unless it appeared that there were apprehensions of danger. Gentlemen on the other side had complained of insinuations; but, they seemed to be unmindful of the illiberal invectives thrown on ministers, and men who acted upon as pure principles as they could possibly pretend to. Gentlemen seemed to think, that they had a prescriptive right to cast illiberal aspersions; but he thought that he, and those on his side, had as good a right to retort them. Gentlemen opposite had got into the habit of keeping the public mind on the fret with alarms about the increasing power of the crown, and other old topics; but he reminded them of the story of the shepherd, who, from frequently alarming the people with the cry of "wolf!" was at last not attended to.

Mr. Serjeant *Adair* sincerely wished that the motion had not been made; but being now before the House, he thought it of infinite importance to the public, in what manner it was decided. Though he thought the discussion of abstract questions, not called for by any emergency of the case, was always dangerous yet when such doctrines as he had heard that night, were brought forward it was highly necessary that they should be refuted. The hon. gentleman who spoke last had made an assertion which no British parliament ought to listen to with patience. He had said, that it was the prerogative of the crown, in time of war, to bring foreign troops into this kingdom for whatever services and in whatever numbers, were judged necessary; and that even if parliament should express its disapprobation, and require such troops to be withdrawn, it was in the discretion of his majesty whether he would comply with such a requisition or not. That his majesty possessed such a discretion, in one sense, was undoubted; for in a physical, and not a moral or legal sense, every man possessed a discretionary power of acting as he pleased, but he did not believe that any one of his ministers would dare to advise the king to assert or exercise such a prerogative.—An hon. friend of his (Mr. Windham) had asked, why was the Bill of Rights to be liberally expounded? He would tell his hon. friend why: first, because it was that law which had established and confirmed the constitution of this country, upon principles that, for a century past, had been the chief source of the happiness and glory of these kingdoms: and secondly, because it was a declaratory law: and it was an established maxim, that such a law should be more liberally expounded, than one which introduced new provisions or new principles. No act could be more pre-eminently declaratory, than the Bill of Rights; for all things therein contained were claimed by the Lords and Commons, and assented to by the king, "as the true, ancient, and indubitable rights and liberties of the people." But it was a declaratory law of a peculiar nature; for the provisions of the act were coextensive with the mischiefs recited in the preamble. It neither was, nor professed to be, a constitutional code, or complete declaration of all the rights and liberties of the kingdom. The declaration did not go a jot beyond the violation of law that called for it, nor the remedy beyond the grievance that had been felt.—He was sorry that the measures which had given rise to this debate had been so much defended upon precedent. It was in that view alone that they could be objectionable or dangerous; and the recognition of those precedents, by a vote of that House, was the very thing that he most earnestly deprecated. He entreated the House not unnecessarily to give a wound to the constitution, which the wisdom of future parliaments might in vain be exerted to heal. In times like the present, it became the duty of parliament to be peculiarly watchful over the constitution; for it was in times of public alarm, that bad precedents were likely to be established. In his opinion, our surest protection would be found in adhering to the sound principles of the con-

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stitution; in steadily supporting the just, legal, limited prerogatives of the crown on the one hand, the substantial rights and privileges of the people on the other, and the superintendance and control of parliament over all. However doubtful, therefore, he might be of the expediency of the motion, he could not give it a direct negative, because he was in his conscience persuaded of the truth of the proposition it expressed.—If it was contended, that the Bill of Rights had stopped short of any declaration, that in express terms restrained his majesty from bringing foreign troops into the kingdom in time of war, the act of settlement had put that point beyond a doubt, by expressly enacting, that, "no person born out of the kingdom shall be capable to enjoy any office, or place of trust, civil or military." And surely, if foreign troops were brought into the kingdom for the purpose of serving there, it would hardly be contended, that by being so employed, they were not placed in a situation of military trust. Could so clear and positive a provision stand in need of any aid from implication? That would be amply supplied by the 29th Geo. 2. c. 5; for when in 1756 it was judged expedient to employ certain foreign Protestants resident in America, in his majesty's military service there, it was not only deemed necessary to have the sanction of an act of parliament for that purpose, but that sanction was given under such restrictions and qualifications as evidently showed the extreme caution with which parliament entrusted such a prerogative in the hands of the crown, even in cases where the expediency was acknowledged. The truth, therefore, of the assertion, that no such prerogative could be legally exercised by the king, without the authority of parliament, he believed, had never been seriously doubted before the debate of to-day, and would not, he trusted, continue to be doubted, when that debate was at an end.—But, it was by no means a necessary conclusion, that, because a declaration was true, it ought therefore to be adopted by that House. If any member should move the House to declare, that by the law of England the eldest son was entitled to inherit the lands of which his father had died possessed in fee simple, though no man could deny the assertion, yet he should certainly expect to be informed by what emergency it was called for, and to what purpose it was to be applied, before he should think it consistent with the wisdom or dignity of parliament to make any such declaration. It was no part of the duty, and ill befitted the wisdom of parliament, to make absolute declarations of law. There were but two grounds, upon which declarations could be proper: either, that the position was in itself doubtful, and stood in need of the authority of parliamentary declaration, or that there had been an alarming violation of the law on the point which it was proposed to declare. He could see no pretence for alleging this in the present instance. So far was the reason announced by his majesty's message from containing any just ground of alarm, that he thought it was a measure equally called for by justice, humanity, and even necessity. The troops of his majesty's allies, engaged in a war in which every thing dear to this country, and essential to the safety of Europe, was at stake, had been embarked, for the purpose of being employed on foreign service in a foreign country, the legality of which no man could dispute. They had rendezvoused on the coast of this kingdom, and the objects of the service for which they were originally intended, having been either defeated or delayed, they had been permitted to land, to relieve them from those contagious disorders to which, by their confinement in ships, they must be inevitably exposed. If this could even be considered as a violation of the letter of the law, where was the danger? where the substantial illegality of the measure? where was the ground that called upon parliament to interfere? Suppose a vessel, loaded with felons sentenced to transportation, was on the coasts of this kingdom—that she was driven by a tempest on the rocks, or that a contagious distemper had broken out, which endangered the life of every man on board—in this situation the convicts swim on shore, to preserve themselves from inevitable destruction; would the hon. gentleman, in such a case move the House for a solemn declaration that "felons being found at large in this kingdom, before the term of their transportation had expired, was contrary to law?" As few would be found to assert the propriety as to deny the truth of such a declaration.—For these reasons he could not bring himself either to deny or assent to the proposition that had been made, and he earnestly entreated the House not rashly to come to a direct decision of the question. To relieve the House from the diffi-

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culty in which they appeared to be involved, and from the necessity of a decision which could be attended with no good, and might be productive of much mischief, he concluded with moving the previous question.

Mr. *Yorke* was for the previous question, but said, he knew of no constitutional right or prerogative by which the king could bring into, keep, or maintain, foreign troops within this kingdom, or employ foreign officers on British pay, without the previous consent of parliament.

The *Attorney General* said, that the reason why he should give his vote for the previous question was, because the resolution that had been proposed, was totally inapplicable to the circumstances that gave rise to the motion, and went beyond what our ancestors had done in consequence of circumstances nearly similar to the present. No man could deny, that, *de facto*, foreign troops had been landed in this kingdom since the period of the Revolution, or since the passing of the Bill of Rights the words of which were these "the raising and maintaining of an army within the kingdom in time of peace." After the Revolution, king William had his Dutch troops here in time of war, and that House had not called upon him to disband them, nor had they been disbanded till the time of peace. With respect to the act of settlement, he could not conceive by what possible chain of argument the present subject came within the clause in that act that had been alluded to, or how it could be assimilated to the naturalization bill. He would ask, whether parliament had come to any resolution since the Revolution, expressive of disapprobation of a measure that had been adopted under circumstances similar to the present? In 1756, Hessian troops had been landed in this country; and on the king's communicating the circumstance to parliament, an address of thanks was the consequence. In 1775 some Hanoverian troops had been sent to Gibraltar, to replace British troops that had been sent to America. But that was a circumstance that did not apply in the present instance, because the circumstance did not occur within the kingdom, and because it happened in time of peace. He would not state any thing about what the law was previous to the passing of the Bill of Rights. With respect to the act of settlement, it went to the prevention of raising and maintaining a large army within the kingdom in time of peace. He hoped the House would leave the question as they found it; namely, as it had been left when the Bill of Rights was passed.

Mr. *W. Smith* combated the prerogative of the crown to land foreign troops. He wished to know, if such a prerogative existed, what was the security of the subject. The king, it was admitted on all hands, had the indubitable right of declaring war. If he had annexed to that prerogative the right of landing foreign troops in the kingdom, without number, the liberty and security of the subject were no more.

Mr. *Pitt* said, he would state, on a fair view of the question, his reasons on the one hand for giving his vote for the previous question, and, on the other, for giving his direct negative to the original motion, provided the previous question had not been moved. He was happy in having that opportunity of avowing himself one of the advisers of the measure that had been adopted with respect to the landing of the troops in this country. He did not desire any bill of indemnity in consequence of this; if any charge was to be brought against him as an individual, he should only demand the right of being tried by the law of the land. In such case, there were only two principles to be proceeded upon, the written law, or the known practice and established usage of parliament. The motion was liable to two objections; in the first place it was by no means applicable to the circumstances that gave rise to it! and in the next it was purely abstract, and not founded upon any measure that could possibly be considered as demanding any particular declaration. The question was, whether or not it was a culpable omission on the part of ministers not to advise his majesty to obtain the previous consent of parliament before any foreign troops was suffered to land in this country in time of war, and at a period when the safety of the country demanded such a measure? His majesty had afforded parliament the most early communication of the circumstance, and what was the result? Why, an address of thanks was voted by that House to his majesty, in consequence of the communication that his majesty had afforded. Was it, therefore, to be argued that this was a measure totally repugnant to every positive law? But this was not all; the constant and uniform practice that had been adopt-

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ed, and which was fortified by precedent, operated to a full, complete and ample justification of the measure. It had been stated, that in 1745 foreign troops were brought into this kingdom, from the apprehension of an invasion; this was an instance that had been alluded to by the hon. mover! but it was a little unfortunate for that hon. gentleman, that in that instance the previous consent of parliament had not been obtained. But the hon. gentleman had endeavoured to explain the circumstance of foreign troops having been permitted to land in this kingdom without the previous consent of parliament upon three grounds, which were, that his majesty had, in the communication to parliament, particularly stated the number of the troops, the places where they were to be quartered, and their future destination. In the present instance, there had been a vote of thanks; but then it was asserted, that the communication that had been afforded now was not adequate to the communication that had been afforded in 1745. What was the result of this? Why, if in the communication afforded now, the precise number of the troops landed had not been stated, the circumstance of parliament not having inquired into the number, could not possibly be considered in any other point of view but as a ground of acquiescence in the measure. In the communication that had been afforded, mention was made that the troops would be quartered in the most convenient places of rendezvous, but the communication did not specifically set forth what the most convenient places were. This was the only difference. But the question was, whether that House would pronounce that the bringing of foreign troops into the kingdom, without the previous consent of parliament, was contrary to law? Now the practice of the year 1745 was very nearly similar to the practice that had been lately adopted. Did the hon. gentleman recollect, that on the 23d of March 1756, at which period the parliament had been sitting for some months, when this country was making preparations for war, and when party spirit ran high, the king intimated to parliament his intention of bringing some Hessian troops into the kingdom, and that the transports to convey them hither had actually sailed? What happened? Why, parliament voted an address of thanks to his majesty for the measures he had taken.* This proved, most unquestionably, that when the parliament was sitting, if there had been any law to require it, his majesty might have obtained their consent to the measure in nearly as expeditious a manner, were the occasion so pressing as to demand it, as by affording a communication to the House; yet the ministers then advised his majesty to make the circumstance a matter of communication, and not of application to the House. The precedent in 1756 must have stared that House in the face, had there been any law then in existence that required the previous consent of parliament. It would then have appeared, whether an act of indemnity was indispensably necessary, or whether ministers were in any degree criminal for having advised the measure. But the parliament then passed no act declaratory of the law. In the subsequent session on the 13th December, the secretary at war moved to bring in a bill for the legalizing the quartering and maintaining these troops. The previous silence of the legislature was a strong argument: but the strongest of all possible arguments was the exposition of the legislative act, which went not only to ratify, but to legalize the measure that had been adopted. But the question did not stop here. In 1775, during the contest with America, and before the interposition of France, foreign troops had been sent to Gibraltar and Minorca, but it had not then been argued that the measure was contrary to law. But had an act of indemnity been then passed, it would not have borne upon the present question. If it were to be made a question, that we were not then in a state of war, still it would be of no import. However, it was a little singular that this bill of indemnity never passed. He did not rely on this bill of indemnity so thrown out, but upon the opinion of the legislature that it was contrary to established usage. He would next advert to what had been said by Mr. Speaker Onslow. That hon. gentleman had stated, that the bringing of foreign troops into this country, without the previous consent of parliament, was a measure that was new, alarming and unprecedented. But in opposition to this language, stood known usage and established practice. He had shown, that if a bill of indemnity had passed, it would not have operated on the present question; and he had also shown why it had not passed. The troops that had been originally sent to Gibraltar and Minorca,

* See Vol. 15, p. 702.

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at a time when this country was at war, was not the only historical fact to be adverted to; for in 1782, it was communicated to parliament, that these troops were coming to this country. What happened? No bill of indemnity was passed, to make the arrangement for quartering them here legal. From this it did not appear that the opinion of parliament was contrary to the bringing foreign troops into this country. In the year 1784 troops had been brought upon the coast of the country; but the establishment with respect to maintaining them was not increased till the time that they were to go to their place of destination. He would give up the question relative to the period of peace or war; but here a temporary rendezvous had been afforded them and that place of rendezvous was admitted to be the most convenient place where they might act against the enemy. The measure then was precisely the same as now. An address was voted to his majesty and that was then thought sufficient. The troops having arrived, remained till the season for their departure. The mode that had been practised then to bring the matter immediately before the cognizance of parliament, was exactly and precisely the same that had been adopted in the last instance. His majesty, in his speech, had ordered the treaties of Hesse Cassel and of Darmstadt to be laid before the House. These papers being laid on the table, the parliament voted a supply to his majesty to enable his majesty to maintain those troops; and this they did with their eyes open. It had been urged, that no security could exist in the country, if his majesty were to bring into the country what troops he pleased, without the previous consent of parliament; but he would observe, in opposition to this, that his majesty had no power to maintain those troops without the consent of parliament. The power of the purse was above all other powers; and over that parliament had the complete control. Had the hon. mover proved that this was a measure that was against positive law? The first authority that had been resorted to was the Bill of Rights. But our ancestors had confined themselves to the definition of the constitutional question then before them, and had not declared what measures they would have adopted under circumstances similar to the present. The Bill of Rights went only to say, that no army could be raised or maintained within the kingdom in time of peace. The next circumstance that had been resorted to, was the rule of positive law. That Dutch guards were not suffered to be maintained in time of peace, was a fact. The parliament then only followed up the measure in time of peace in the same manner that we followed it up now in time of war. The parliament had refused the maintenance of guards and garrisons, and they voted that the Dutch troops which made part of the guards and garrisons, should be disbanded. The king was then desirous that the parliament would alter their decree; but the parliament adhered to their original principle. The question then was, whether the king should be guarded by Dutch troops or by natural-born subjects? That left the Bill of Rights exactly where it found it. The next authority that had been alluded to, was a clause in the act of settlement, and he was not a little surprised to hear it cited; for what was it? It went only to guard against the placing of any offices, civil or military, within the kingdom, in the hands of foreigners. He thought the original motion wholly inapplicable to the circumstances that gave rise to it, and totally groundless, if a reference was to be had to the Journals upon the table, and should therefore vote for the previous question.

Mr. *Fox* said, he never recollected a question that had given rise to so much extraneous matter, or to so great a variety of abstract arguments as the present, and felt considerable difficulty in replying to the different observations; notwithstanding the grave advice of the attorney-general, on the danger of agitating the question, he considered himself bound by his duty to his constituents to deliver his sentiments on the present occasion. The hon. and learned gentleman had expressed his doubts on this extension of the prerogative, and wished that the question might not be argued; but the chancellor of the exchequer had differed materially from the learned gentleman, and had given a decided opinion upon this point of prerogative. It was not for him to account for the conduct of the right hon. gentleman, who persevered in his opinion on a question that had excited no small share of indignation, even among those who co-operated with him on other subjects. If the doctrine of the right hon. gentleman were true, nothing that had been said by the most atrocious libellers of the con-

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stitution could be reprehended by administration; because the arguments of the right hon. gentleman went to prove, that we had a constitution in words, but not in reality. But thank God, this was not true; for the Bill of Rights was in direct contradiction to what he had advanced. Mr. Fox reprobated the attempt to justify the landing of foreign troops without the consent of parliament. It was unnecessary for him to point out the consequence that must arise from such doctrines, if adopted, where foreigners, being the instruments of any misguided prince or licentious government, might be turned against the dearest rights of the constitution. Great stress had been laid by the chancellor of the exchequer on the circumstance, that they were not to remain long in the country; but now the House was informed that they were to remain in the kingdom until sent on foreign service. He was of opinion, that a bill of indemnity should have been at least introduced to justify the measure—a measure which, during the American war, was declared, in both Houses of Parliament, to be one that annihilated Magna Charta. If a bill of indemnity had been brought in, the preamble would have run thus, as in former instances; "Whereas certain doubts have arisen:" but to this constitutional phraseology the minister was averse, as he argued, that the prerogative of the crown was fully competent to the introduction of foreign troops, agreeably to the Bill of Rights. His learned friend (Mr. Adair) had observed, that it was better not to argue the question than for the opposers of the motion to have a decision against them; but to this he never could subscribe; for though left in a minority, it was his duty to persevere in what he thought for the benefit of his country; and though the House might not take care of its honour, it did not follow that he should deal treacherously with his own. A bill of indemnity had been offered to the chancellor of the exchequer, but this he rejected with indignation: he, however, conceived it equally the duty of parliament to form a bill of indemnity on one question, at it might be necessary to bring forward a bill of attainder on another. But if a bill of that nature was brought forward, gentlemen on the other side would thereby seem to confess, what they were not willing to admit, that the prerogatives of the sovereign were not such as they wished to maintain, though he trusted the House would ever exercise its dignity, and show them that the king was endowed with no prerogative that militated against the constitution.—It had been said, that the gentlemen who supported the motion had presumed on more wisdom than their ancestors; although the precedent of 1737 clearly bore them out in every argument they had offered. It was urged, too, that they had not brought forward a single new argument on the subject in debate. Then, how inconsistent was it to accuse them of being bold innovators, and agitators of a question repeatedly discussed, and which it was argued should sleep for ever. Mr. Fox ridiculed the idea that as the word "war" was not precisely specified in the Bill of Rights and the word "peace" was alone mentioned, his majesty could, consistently with the constitution, introduce foreign troops into the kingdom. This, he said, was a fallacious argument, reprehensible in the extreme, as being a most daring attack on the Bill of Rights, which was not to be an enacting, but a declaratory law, upon which the House should, on all occasions, put the most liberal construction. Allowing the chancellor of the exchequer every argument that could operate in his favour founded on the precedents he had adduced, he would ask him what had been the law anterior to the passing of the Bill of Rights or the act of settlement? If the House had been guided by precedents, those acts never would have passed, which prevented the landing or the suffering of foreign troops to remain in this kingdom. He maintained, that it was monstrous and absurd to say, according to the right hon. gentleman's definition of the Bill of Rights, that the royal prerogative could be exercised to land foreign troops in this country in time of war, or in time of peace. If this were the case, how could he reconcile to himself the mutiny bill, the preamble of which was in direct contradiction to the arguments adduced by the right hon. gentleman? Mr. Fox reminded gentlemen of the debates that had taken place in 1775, on sending foreign troops to garrison Minorca and Gibraltar. With what indignation was the preamble of a bill of indemnity brought in by ministers then received, because it stated that doubts had arisen respecting the legality of employing foreign troops in any part of his majesty's dominions without the consent of parliament! The bill with this

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preamble passed the Commons; but when it came to the lords, it was thought better to throw it out entirely than suffer it to pass with a doubt expressed in it on a point of such constitutional importance. During the debates on this subject lord Camden had laid it down as a maxim, that the law knew no distinction between peace and war, with respect to the right of bringing foreign troops into this country, and that it could be done at no time without the previous consent of parliament.* The Bill of Rights was to be considered as declaring the constitution on particular points recited in it, which had been previously attacked and endangered, not as declaring the whole of the constitution. In what books, or in what practice anterior to the Revolution, did gentlemen find this distinction between peace and war, which they now so much relied on? The Dutch guards in the time of William 3d, were not suffered to remain in this kingdom by virtue of the royal prerogative. They were voted in the army estimates, and had therefore the sanction of parliament. Where could an instance be brought of foreign forces being introduced, without the approbation of the Commons? In 1745, it was true, they were introduced; but then the country was in a state of rebellion, and even at a period so alarming, it was acknowledged that the minister did an illegal act, for doing which he was indemnified by the subsequent approbation of parliament. In 1775, there was a previous consent of the House, and therefore all these precedents went to deny that any such dangerous prerogative existed in the crown. An act of indemnity, he confessed, was unusual where it applied to the officers of the crown, when acting illegally; but where a number of persons were implicated; for instance, if these troops were resisted by those on whom they were billeted, in consequence of their being an illegal force, a circumstance which might lead to consequences the most dangerous, then a bill of indemnity was necessary to avert the evil. So far such a bill, in his mind, would have been a more salutary measure, than the previous question. — Mr. Fox entreated gentlemen to act with great caution on a question as momentous as ever arrested the attention of a British parliament, and to resist, with a manly firmness, the strange and incoherent doctrines advanced by his majesty's ministers. It had been asserted, that these foreign forces had been introduced here for the purpose of foreign service; but he cared not what was the cause, where the consequences to the Bill of Rights were so fatal. Subsequent events might reveal the mystery. But again he would wish to impress on the House the consequences that might attend this unwarrantable exercise of the prerogative, if these troops were to become the instruments in the hands of a wicked prince, or a venal minister. The divine prerogative of the crown, was language which he did not expect to have heard in the course of that night's debate. During the arbitrary reign of James, it was true that it was considered blasphemous to attempt defining that prerogative, to which he set no bounds; but he conceived, at this time, that words more suitable to the tongues of British freemen, were those that defined and supported the divine rights of the Commons. They were assured by his majesty's ministers, as an excuse for the landing of these troops, that they were not to remain long in the country. But this was not the question. Would the minister say, that the introduction of these troops was legal or consistent with the spirit of the constitution? Who were to tell an army of Austrians, Hessians, Hanoverians, Dutch, that their farther continuance in England was contrary to law? He would appeal to the right hon. gentleman's own good sense, whether it would be wise or prudent to neglect ascertaining our rights, till we were surrounded by an army of foreign mercenaries—till the critical period arrived, when the members of that House would be questioned on their ingress and egress, respecting their political sentiments—till they were surrounded by perhaps 30,000 usurpers, who, under the pretext of defending their liberties, would sacrifice and violate the few remains of the constitution. Let gentlemen recollect the danger of an imperious military government—let them recollect, that a powerful army was an engine of the most alarming nature—let them remember, that such a weapon had more than once overthrown the liberties of Europe—that if we yielded in the first instance, we betrayed the confidence reposed in us by our fellow citizens—that he who dared present our Bill of Rights as a remonstrance to an army of foreigners, would find it a

* See Vol. 18, p. 811.

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useless piece of parchment—and that our wisest conduct would be a steady adherence to the maxims of our ancestors, who had uniformly resisted, upon this point, every act of innovation. By pursuing a contrary conduct, we should hazard the liberties of the people, and the privileges of parliament; and he entreated those who heard him not to desert either, through private friendship or personal interest. If there existed a party in this country, who manifested a wish to lower the monarchical branch of the constitution, that party would be defeated by not rendering that power odious by a wicked and dangerous extension of the prerogative of the crown. Let the Commons prove true to the people, and the people would remain obedient to the Commons. We had no invasion to fear, but an invasion of the constitution; and the parliament, which was its natural watchman, should regard with a jealous eye any measures calculated to destroy the balance of power in the three estates, by an unconstitutional extension of the prerogatives of the crown.

The previous question being put, the House divided.

TELLERS.

YEAS	Mr. Grey - - - - -	35
	Mr. Plumer - - - - -	
NOES	Mr. Hyde East - - -	184
	Mr. York - - - - -	

So it passed in the negative.

Debate on the Marquis of Lansdown's Motion for Peace with France.] Feb. 17. The Marquis of *Lansdown* said: — My Lords, I assure your lordships that it is with no personal satisfaction I rise to make the motion which I now hold in my hand. I would have infinitely preferred to see it come from those whose information on the subject, and whose influence in this House would have insured its success. I would have particularly wished to have seen it in the hands of ministers, because I am anxious only for the object, and have no personal feeling to gratify. I have deferred it, in hopes, at least, that it would have been taken up by some lord of more consideration than myself; and I should have been happy to have seconded it, come from what quarter it might. Happy should I have been to have allowed to them all the gratitude which it would have excited in the breasts of their country; for, however high the tone and language of men may be for a moment, I am convinced that the real sentiments of the kingdom is in favour of peace. Seeing, my lords, the immense preparations that are making for a continuance of the war, seeing the volume of engagements into which we have entered with foreign powers, and the solemn declarations, that we are daily making of perseverance, I think it high time that your Lordships should deliberate in order just to inquire into the cause and the object of our pursuit. I will not detain you by any animadversion on the conduct of the war; but shall confine myself to the consideration of what is the object of the war, and what are the means by which we hope to accomplish it? I will not enlarge in the shape of declamation; I will not address myself to your passions; but what, my lords, must be the feelings of a burdened nation, when they see thirteen millions of money voted by their representatives, towards the continuance of this war, without even a single consideration being taken of the merits of the cause, when they see this done, on the mere pretext of a French pamphlet! Such is the melancholy fact; for though ministers have already drawn this sum from the pockets of the people, all the grounds upon which they have gone, all the arguments they have used, all the explanations they have given to their country, are extracts from a French pamphlet. They have, indeed, laid bundles of papers upon the table, subsidiary treaties with foreign states, which may be called bonds, judgments, and mortgages on the estate of every man in this country; but without entering into any examination of the principles on which it is undertaken, or the object which is in view, other than a few comments on the pamphlet of M. Brissot. My Lords, the people of Great Britain are not likely to think the sentiments of a single individual, and that individual the member of a faction that was crushed at the time of his writing, a good ground for perpetuating the horrors of an unexplained war. The faction of Brissot was overthrown, as the present faction may be overthrown; and inflammatory pamphlets by the partizans of each successive faction, may furnish pretexts for the continuance of hostilities, if such wretched pretexts are to be considered as legitimate grounds of war.

After two campaigns, the last of which has been, in truth, the most disastrous,

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both in the effusion of blood and in the waste of treasure, that the modern world has suffered, it will not be unworthy of your lordships to pause for a moment, and, before you involve Europe in the horrors of a third, to inquire into the success of the past, I speak the heartfelt sentiment of every man of every country, that the campaigns have been as unfortunate as to the object, as they have been melancholy in regard to the sacrifice of blood and treasure. No pompous declaration can reconcile you to falsehood. Our failure is matter of history. The question, therefore, is, whether the innumerable treaties that we have made are calculated to secure to us the rational hopes of success in the campaign that is to come. I have no hesitation in saying, that we have no more probability of success now than before. If we are to draw wisdom from the experience of ages, your lordships will not disdain the testimonies that have been borne, by the ablest generals that the world ever saw, against the line of war in which we are involved. From the illustrious duke of Marlborough down to general Lloyd, the last officer who has written on the subject, the opinion of all the men of great military talents of Europe has been, that an attempt to penetrate France through its garrisoned frontiers is impracticable; and that it is madness so to attack it. This opinion of military men has been verified by the fate of the two last campaigns. Let us see what was the line of the war: the first attack was made by the line of Champagne, the second by Lisle, the third by Strasbourg; and these three attacks have been made under men of the greatest military fame in Europe. Of the duke of Brunswick it was impossible to speak in terms of panegyric too lofty: his retreat had subjected him to the most cruel reflections; it is attributed to his want of management; whereas, I can take upon me to say, on the concurring evidence of every military man with whom I have conversed, that his retreat from Champagne was highly honourable to his military talents. It was the natural result of an attempt to penetrate the kingdom of France; and you see that the same fate has followed the two subsequent attempts. Did Clairfait fare better at Lisle? Has Cobourg fared better? Has Wurmser fared better? All these officers, the highest in reputation, all bred in the best military schools of Europe, have had the same fortune.—I forbear to go farther, for reasons that will be obvious to your lordships; but I might pursue the question, without any hazard of finding an exception in any of the other attempts that have been made by other commanders; and we are now beginning a third campaign after this melancholy experience. But it seems a new officer, of middle rank, has formed a new plan, upon which all the cabinets of Europe rest their hopes, and upon which we are again to hazard the lives of our fellow-creatures. My lords, I will not affect to dispute with the cabinets of Europe on the question of the new project suggested by this distinguished officer (Mack), in whom they affect to have such confidence. Genius is undoubtedly not confined to any rank; and I have found many instances of the high and meritorious services performed by officers of the middle ranks. It certainly, however, is a received opinion that the proper sphere of their service is in operations, subservient to the main design, where vigour and rapidity of execution are required. All the received doctrines of the military school assign to long experience the province of design. It is not certainly a novel thing to find in the military profession, as we find in every other profession, men of such zeal and warmth, as to form the most sanguine plans, to undertake the most improbable adventures. I am not, therefore, so much astonished that we should find an officer suggesting a new plan, as I am to see the credulous avidity with which it is embraced. It is surely of consequence to your lordships, to look back to the only rational ground upon which any estimate of success can be made—the experience that we have had already. We are told that Flanders has been saved; let us inquire into the fact: Flanders was lost by one battle, and regained by another. If this experience is good for any thing, it ought to teach you that the fate of Flanders depends upon a single battle, and that it may be lost by the next which shall happen. A little of the secret history of the last campaign would also show you, that the loss of Flanders to the French was the result of the animosities of private faction, which first gave to Dumourier the ascendant over one of the parties, and subjected him to the triumph of another. To the animosities of these factions may be attributed their failure by the defection of Dumourier. But the result of these animosities has at length given to the govern-

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ment of France more formidable power than ever was possessed by any state; and you ought to look at the consequences which are likely to follow from your keeping up in France that enthusiasm of spirit and energy of execution which they at present display. You will run the hazard of establishing in the centre of Europe a military republic; you will cherish and confirm a spirit, that it will be impossible for Europe afterwards to extinguish. You will give a new turn to their thoughts, a new pursuit, a new genius, a new character to the people. Lord Bolingbroke says, that all the Spanish statesmen with whom he conversed said of Philip, that they would have been able to have made him a good Spaniard but for the provocation which he met with, and which confirmed him French. Thus, if we persevere to goad, to attack, and to hunt the French, we should only confirm a military republic in the very heart of Europe. And do not let us proudly conceive, that our combination will make us formidable, because it is opposed to a single people; when we sharpen talents by irascibility, when we inflame the natural energies of the soul, when we call forth and rouse every faculty of nature, while every individual man becomes a god, the consequences are not to be calculated by the arithmetic of common events. And such has ever been the experience of ages. Great moments have always produced great men, and great actions. The time of conflict is the time in which nature seems to delight in her grandest productions. From the Grecian republics, down even to our modern history, the most resplendent powers of man have been shown in the times of the greatest danger. The present, therefore, is a school for Frenchmen; every youth devotes himself to the cause of liberty, and thus actively engaged on the grand scene, all the powers of his soul take a warlike direction; it becomes a fashion, and the whole of the rising generation are educated in the military art; not, my lords, as our youth are educated to the military art, as one only of the professions in which they may rise to eminence or distinction, but the enthusiasm of war enters into the heart only from the enthusiasm of liberty; and the whole country is taught to feel that their only occupation, their only passion, ought to be arms, because their only good, their only blessing, is independence.

Such is the war in which we are engaged, and in which England has taken the lead; and has become, if I may make use of the common expression, the cat's paw of Europe; and such are the effects which our confederacy is to produce. I wish therefore, my lords, to draw your consideration to the point of honour, of policy, of prudence; and to demand of you as reasonable men, and as Englishmen, whether you ought to persevere in such a war? whether, upon the principles which are avowed, you ought to succeed? and whether by the treaties which you have made, you are likely to do so? But above all, I wish you to inquire, as Englishmen, whether the war is not likely to produce consequences fearful to England fearful to Europe, fearful to the liberty of mankind? And our first inquiry must be, what are the treaties and alliances upon which we place our hopes? I shall run over them with rapidity, as I think it only necessary to point out some of their leading features, and to show you how little rational confidence ought to be placed in them. First, as to Spain, who will ensure to us, even for a single campaign, the continuance of our Spanish alliance? It is obvious that your views on the West India islands of France throw Spain upon your mercy. All the object of your rival interests; all that contraband trade, which it has been so much your object to encourage to her discontent, all the points that have so long been at issue between you, fall at once to the ground, and you gain the complete ascendancy so as even to demolish the foundations of her power. Do you flatter yourselves that Spain is blind to all this? Do you believe that she will tamely see you gain the possession of islands that must determine her fate? My lords, you must not trust to so unreasonable a hope; Spain cannot have forsaken so completely her uniform system. I have the highest respect for the Spanish character; noble, manly, candid, and open: the Spaniard is a dignified character, but the genius of its government is suspicious; and without descending to inquire into circumstances that have recently happened at Toulon, without demanding whether unequivocal signs of uneasiness were not manifested, when they saw a ship of 110 guns taken away by the English, which they thought belonged in preference to them, as the natural guardians of Louis 17th, and how little satisfaction they found in the flimsy pretext, that the French chose rather to

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be under the English protection than theirs, I will simply demand whether we can entertain any substantial confidence in this alliance?—As to our next ally, the king of Prussia, it is obvious that there are no political relations which can interest him to the continuance of this war: all his real relations must lead him the other way: as the head of the Germanic alliance it must ever be his policy to resist the aggrandizement of the house of Austria. That Germanic alliance, upon which the liberties of Europe depend, seems for the moment to be sacrificed to this project against France; and he is now allied with the House of Austria to accomplish an object which must ruin the very object of the Germanic league. Is it to be believed that the cabinet of Vienna has changed its object, and that Europe has no longer any thing to dread from its unbounded ambition? No such thing. Your lordships all know the memorable expression of the late king of Prussia, "I have seen the Austrian generals make faults, but the cabinet of Vienna never makes a fault." That cabinet has been distinguished, not merely by its systematic ambition, but by its incessant, uninterrupted ability in the prosecution of its horrid designs. In no moment has it ever changed; in no moment has it ever abated from its course; and this power, so restless, so hostile to every other government, which so recently plotted, and was so near obtaining the mighty object of the change of Bavaria, by which alone the liberties of Europe would have been demolished, we now see in an unnatural alliance with that very body who are to prevent its designs. Can we believe that a thing so monstrous will continue; or that the independent states of Germany can long be kept so stupidly blind to their permanent interests as to aid and abet the court of Vienna in the present war? Our next great ally is Russia, the Colossus of Europe: I call the empress of Russia the Colossus of Europe, for the best reasons; since, by her vigorous and persevering policy, she has raised herself to an enormous magnitude of power. The good sense of the British nation recently saved us from a profitless and impracticable war; while, by the shameful dereliction of all system, by an unpardonable countenance of her ambition, they have suffered her to take possession of all the west of Poland, so as to make the rock of Ockzakow, of itself of no value, really an important addition to her strength; and thus has she been able to lay the seeds of power, the future produce of which it is perhaps impossible to calculate. As to her alliance, we may reason from her past conduct what will be her future; it is her invariable policy to embroil the southern powers of Europe, in order to exhaust them. We have constantly experienced this disposition; she endeavoured to interfere as a mediatrix in the peace of 1782, only with a design of throwing obstructions in the way, and of retarding the event. It required address to resist her efforts; and she was displeased at not being permitted to use her good offices to embroil us. Such has been her craft in the present war, instead of sending troops to aid the confederacy, she has been building fortresses, that as soon as she sees her rivals properly exhausted, she may be able to attack her devoted victim the Turk. My lords, it is a serious consideration that you are thus assisting her project, and countenancing the plan of exhausting the finances of every state in Europe, so as to prepare them for the general overthrow which she meditates against them. I can speak upon the most authentic information, that of merchants who have recently come from the keenest and most observant mercantile country in Europe, that the resources of the empress, in men and money, are inexhaustible, and that they go beyond the calculation of all men not intimately acquainted with the foundations of her power.—Our next ally to be considered is Holland: Holland, that was dragged into the confederacy by us against her own better judgment; Holland, that has been made the cat's paw of the cat's paw. What aid are we likely to obtain from the Dutch? Though so formidable a maritime power, have they sent a single ship to sea? As to their army, I forbear to speak. If it be true that they displayed any backwardness, it only exhibits a striking example of the difference that there is in the conduct of men, when engaged in defence of their own liberties, and when drawn in to fight against others.—There is another ally, the king of Sardinia, from whom certainly much cannot be expected. As to the suspicion which some how or other has gone abroad, that it would be his inclination to continue the war for the sake of the subsidy that we give him, it is an aspersion to which I cannot give credit. The king of Sardinia I believe to

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be an honest man; but he is weak and exhausted: he cannot do us service. It was always an opinion, that, though he might be a small check upon France, and might be usefully employed in the way of diversion, just as the French may hold out the terror of an invasion to us, he could never cross the Var to any good purpose. I remember this was the opinion of Mr. Grenville, and it has been uniformly proved by experience.

Such, my lords, are the alliances of England! And upon this heterogeneous confederacy do we rely for success in this war! Is it to be expected that they can keep together? Is it to be believed that an object that has never been defined, in which no two of them agree, nay, which is stated to be diametrically opposite, as often as they try to define it, shall yet perform the miracle of keeping down all their old animosities, stifling their jealousies, reconciling their differences, smoothing their mutual asperities, and resolving them all into a mass of formidable and perfect union? If you can rationally believe that this miracle will be performed you may attach hopes to any scheme that may be presented to you for the farther progress of the war. I confess, it does not enter into my imagination that the league can endure to any good purpose, but that it will soon be found that the artful ambition of two of the courts maintains it only until their rivals are exhausted. In the mean time it is manifest, that none of them have money, except only that power that has taken care to give you no other aid than promises, and that the whole burden has fallen and is to fall upon the people of England.—Our next point is to look at our conduct to neutral powers; and here, my lords, I must lay it down as a political maxim, that whatever system a nation may adopt for itself, however profuse it may be of its own existence, no nation has a right to dictate a system to another. There is no country in Europe that ought more religiously to act upon this principle than England, since there is no country that could be more endangered by the violation of this right. I fear that we have lost by our conduct towards neutral nations something more valuable even than our blood; we have lost our honour. Every other loss we might have borne, we might have retrieved; but the latest posterity will pass judgment upon us in respect to the outrages that we have committed upon neutral powers. I will read to your lordships a few extracts from the diplomatic correspondence of the present war; I will not detain you long, for I shall only read to you the harsh words, the pointed cannon which you have used against independent states, merely because they were weak and you were outrageous. Here the noble marquis went succinctly into a recapitulation of the correspondence that passed between lord Hervey and the court of Florence, and of our other ministers with Sweden, Denmark, Switzerland, and America. On the 22nd of May, lord Hervey sent his first note intimating the arrival of a Spanish and English squadron in the Mediterranean; he received for answer from the minister of the Grand Duke a respectful declaration, that his royal highness was determined to maintain a strict neutrality. To this lord Hervey made a reply, expressive of his astonishment, but declaring that he would make known the answer to the court of St. James's. Yet, to prove that he had received his instructions, and that this young lord did not act from himself, he forthwith dispatched a circular letter to all the other ministers in Italy, making known this declaration of the grand duke, and conveying it in terms harsh and insulting. After this, on the 8th of October, he presented a memorial, in which he peremptorily called upon his royal highness to dismiss the French minister within twelve hours, or lord Hood would bombard Leghorn. Such was our conduct to the brother of the Emperor, our ally; such was our outrage to an independent state, as distant from every principle of policy as it was from decency, and from the law of nations. One would think that a short recollection of the late quick succession of monarchs in the house of Austria might have taught ministers the wisdom of forbearance from so gross an insult. I believe it is a received opinion, that obligations conferred on princes are usually forgotten, but that insults and injuries never are. It is well known that the late king of Spain never forgot, nor forgave the bombardment of Naples. And it was as opposite in national, as it was in court policy; for never was there any article in any treaty more beneficial to England, than that in the treaty of Worms, declaring Leghorn a free port. Our attempts on Sweden, Denmark, and Switzerland, were of the same nature. But to show that there was no system other than that

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of determined outrage, in all our attacks we made use of different pretences.—He praised the answer of M. de Bernstorf, minister of Denmark, as one of the finest essays on the rights of independent states that he ever saw; he recommended it to students in politics as a lesson; and he spoke with equal, if not higher, praise of the wisdom, moderation, and temper displayed by the canton of Berne. If all the world were inundated with folly, wisdom would retire and take shelter in the canton of Berne.—But our treatment of all other neutral powers was nothing in comparison with that which we had shown towards America; our sister people; our natural child; our friend, who spoke our language, tied to us by every affection: our conduct to America had been marked with more than common outrage, he was was afraid with blackness of guilt, that he almost shuddered to examine. He did not speak merely of the order of the 6th of November, an order made without consulting the American merchants; but by what subtlety had it happened that the Algerines have been made to declare against the Americans? Was there no suspicion that the Indians, who had been called "the arms which God and nature had put into our hands," had been let loose upon the states? He had no doubt but to these questions ministers would be provided with ready diplomatic answers. But it was for the consideration of their lordships, and of every generous mind in the kingdom, to express, in time to prevent consequences, their abhorrence at the very idea of such a system. No power on earth could display more true wisdom, more dignified moderation, than had Mr. Washington and the government of America. He opposed himself to the madness of the moment, and secured to the people of America the blessings of peace, in spite of themselves. What is the consequence? The reflexion has proved to them the wisdom of their government, which has collected strength and stability by the measure.

Thus, whether we looked to our confederacy on the one hand, or to the neutral powers that we had irritated on the other, he saw nothing very promising in our future prospects. The confederacy, as he had said, was almost utterly destitute of money. Holland itself was low in credit. A lottery by which they hoped to borrow a sum of money at five per cent. had failed, though almost all their debt bore only two and a half. Spain had issued 16 millions of rix dollars in paper money and the exchange had lowered 20 per cent. On the exchange of Amsterdam there were blank certificates in circulation from every one of the powers at war. Not a guinea was advanced upon any of them, except perhaps Russia. Great Britain alone was to be the paymaster, and to furnish the funds for all. Were we to look forward to a miserable West-India island or two as an indemnity? He reprobated the idea. When America was ours, the West-India islands were valuable; but things had now taken a very different course, and he was much mistaken if we should have reason to boast of our possessions in the West-Indies as valuable. It is well known that Jamaica had been forced to open her ports to America in order to procure a supply of stores; and when we talked of indemnity for the French West-India islands, it behoved us to look to the measures which they would naturally adopt. Our possession of a part of St. Domingo had already given rise to a long edict on the part of the French government, in which they resolved to give freedom and arms to the blacks, as a means of war. Would not this be contagious? and was it not likely that we should soon feel the West-India islands a burthen on Great Britain, when they might find the monopoly of our market of advantage to them, but when it would be a serious detriment to us? Let us not then pursue the idea of this pitiful indemnity to our own ruin. The stagnation of our domestic industry and of our national capital, for only one year, was worth more than the fee simple of any of their islands, in point of substantial benefit to the empire. The French looked upon us as the prime mover of the confederacy, as its soul and head; all their efforts were therefore directed against us: they had turned themselves to their marine, and we all knew, from the experience of what they had done in that way in the time of Louis 14th what great things they were capable of achieving. And what was the object that we had in view in all this? Had it ever yet been defined? To show that all the declarations that had been issued by the allies differed from one another, the noble marquis took a short view of all of them as they had successively appeared. Is then, said he, the restoration of the old government of France, the object of the war? If it be,

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how can the old government be defined? It was a worn-out government, and, though I have often conversed with enlightened Frenchmen on the subject, I never could procure a definition of what the old government was. I remember a speech of the late lord Chatham to me when I was a young man. He asked me, on my return from France, about the situation of that country, and he made use of these words, "When I was myself at Dijon, I saw an order stuck up on the part of the king; turning the corner of the street, I saw another order on the part of the parliament, forbidding the execution of the king's order. From that moment I was sure that the French government could not last." When we had possession of Toulon we had indeed a fine opportunity of creating a powerful interest in France in our favour. The old government of Toulon was founded on democratical principles. It contained a third estate. If you had given the Toulonese this form of government, you would have attached them to you instead of alienating their minds by a mode of conduct so replete with contradictions, that they could not rely upon any of the promises that were held out to them. Whether, therefore, it was the old government, or what it was we had in view, it was impossible to conjecture; and certainly it would not be unworthy their consideration to endeavour if possible to make out and explain to the world a specific end that we had in view. Even the best advocates for aristocracy were of this opinion. Mallet du Pan, one of the most forcible writers against the French, has not hesitated to say, that by not having a clear specific object in view, all hope of conquest is demolished. Such is the opinion of this writer; and without suggesting terms to the executive power, this country should hold forth a liberal and generous conduct to France, the same sort of generosity which France showed to England, during the civil wars of Henry 3d, and which Hume so finely describes, ought to be an example to us in the present moment. Hume, speaking of Louis 9th during the dreadful civil wars that ravaged England under Henry 3d says, "Whenever this prince interposed in English affairs, it was always with an intention of composing the difference between the king and his nobility; he recommended to both parties every peaceable and reconciling measure; and he used his authority with the earl of Leicester his native subject, to bend him to a compliance with Henry. He made a treaty with England at a time when the distractions of that kingdom were at the greatest height, and when the king's authority was totally annihilated; and the terms which he granted might, even in a more prosperous state of their affairs, be deemed reasonable and advantageous to the English. He yielded up some territories which had been conquered from Poictou and Guienne; he ensured the peaceable possession of the latter province to Henry; he agreed to pay that prince a large sum of money; and he only required that the king should, in return, make a final cession of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms. This cession was ratified by Henry, by his two sons and two daughters, and by the king of the Romans, and his three sons. Leicester alone, either moved by a vain arrogance, or desirous to ingratiate himself with the English populace, protested against the deed, and insisted on the right, however distant, which might accrue to his consort. Louis saw in this obstinacy, the unbounded ambition of the man; and as the barons insisted that the money due by treaty should be at their disposal, not at Henry's, he also saw, and probably with regret, the low condition to which this monarch, who had more erred from weakness than from any bad intentions, was reduced by the turbulence of his own subjects."

I am confident, said the noble marquis, that if he were to show the same sentiment of kindness and generosity, if we were to manifest a desire of peace, they would do more than meet us half way; they have always been against the war with England. I am not the dupe of all the silly pretexts that have been held out for our plunging into the war. It is not the violent speeches and the inflammatory harangues that happen either in their convention or in our parliament, that give me any true notion of the general sentiment of either country. Violent speeches in one assembly will naturally produce violent speeches in another. When we talk of demolishing their anarchy, they will call our's tyranny; and by the miserable invectives bandied from one side to the other, may the tempers of the people on both sides be irritated with-

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out cause, and without object. Let all this be avoided; it can produce no good. What the terms of the peace ought to be, I do not mean to suggest, but I am confident that in great affairs there should be no medium. An indemnification I should suppose would not be insisted upon; for we can have no wish of accepting gold from France; and what indemnification can a few worn-out islands be to us? Besides, as America has guaranteed the possession of the French West-India islands, will she quietly permit you to seize them? If we do not mean extermination, we ought to be generous. One of the ablest political writers that ever lived says, that between the one and the other of these objects, there should be no dispute. Let us not then cabal about an island. It is not the trash of an indemnity that we ought to pursue; it is to conciliate the minds of the people of France, and to restore peace to mankind. We see, what indeed history might have told us, without this fatal experience, that God has made such a difference between offensive and defensive war, that the same creature acting in different situations, changes his nature. These very French whom we have found so formidable when attacked, droop and sicken when they come in their turns to be the assailants. We have nothing to apprehend therefore from their external hostility. Whenever they have come across the Rhine, you see how feeble they have become. Nor does the sentiment of the nation countenance them in foreign attacks; no part of the war created such murmurs at Paris as the siege of Mayence. These considerations, my lords, I trust will induce you to give a deliberate attention to the object of this war. I have endeavoured to compress them into the proposition which I hold in my hand, and to which, whatever weight it may have with you to-day, I am persuaded that you will by-and-by recur, as a measure not altogether undeserving of your serious regard. I therefore move your lordships—

"That an humble Address be presented to his majesty, to represent to his majesty that the events of the last campaign have demonstrated the extreme improbability of conquering France, even under the singular circumstance of a general confederacy formed against her:—That the duration of an extensive confederacy, necessarily slow and ill-combined in its operations, is not to be depended on from day to day, and formed, as the present is, with powers, who, it is to be apprehended, from the exhausted state of their finances, wasted by profusion and war, can only fulfil their engagements to us by being subsidized, leaves the burthen of expense and odium ultimately to fall upon Great Britain and Ireland:—That were the war to be in future as successful as it has hitherto proved adverse, it ought not in sound policy to be continued, because no acquisitions of territory can be of real, and much less of adequate benefit, at the risk of prolonging the present, and laying the foundation of future wars:—That a loss to the nation incalculable, and almost beyond imagination, must follow from the diminution of product and consumption, the stagnation and destruction of capital, and the general decay of trade, which have arisen in the place of that reduction of debt and taxes, which we were taught to expect, and which is so essential to our external independence, and to our internal tranquillity and happiness:—That the dismemberment of France, if attainable, so far from securing the balance of power in Europe, must endanger if not overturn it, as it cannot fail to augment the strength of the greater European powers, who from their ambition and the policy which they have lately adopted of acting in concert, already threaten the extinction of the independent states of the second and third order; upon whose preservation the liberties of Europe essentially depend:—That opinions and sentiments once widely disseminated, cannot be controlled by arms, and therefore it behoves every government, which would guard against the progress of democratic principles, to avoid the evils which gave birth to them in France:—That the obedience paid by the French nation to its present provisionary government, when in the act of opposing a confederacy attempting to control its interior, though a strong proof that the present war is more likely to confirm than to destroy such a government, yet is no proof that the French nation will continue it, provided we suffer them to return to a state of external peace. That experience has demonstrated the futility of every attempt to interfere in the internal affairs of France, even if the injustice of it were problematical, and that we must deserve the deepest reproach which a nation can incur, if, to serve the mere occasional purposes of the confederacy, we encourage further re-

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volts in that country, where we find that we are unable to fulfil our promises of present support, or to save those who have put a confidence in us, from ruin and extermination:—Therefore to implore his majesty to declare, without delay his disposition to make peace upon such just disinterested, and liberal terms, as are best calculated to render the peace between any two nations lasting, and to communicate such declaration to his allies, that an immediate end may be put to that daily effusion of human blood, which, if suffered to proceed, must alter the character of the nations of Europe, and in the place of that improving spirit of humanity, which has till lately distinguished modern times, substitute a degree of savage ferocity unexampled in the annals of mankind."

Earl *Fitzwilliam* said, he believed that the people of this country considered this war on our part to be strictly a defensive war. It was evident the French meant to give law to all Europe, and to carry their principles into the heart of every other country; principles which, if propagated without opposition, must be tremendous to every other part of the known world; and the intention of the French to propagate them was proved beyond a doubt by many facts, and confirmed from the authority of Brissot, who was the first adviser of the declaration of war. Brissot had since declared that this war, on the part of the French, was not a war in order to gain territory merely, or of ambition only, but a war of destruction to every lawful government.—But although he regarded this war on our part as a defensive war, yet it did not from thence follow that we should not be very active in our measures, no, for active we certainly must be in the prosecution of it, unless we forgot all our ancient principles, and gave way to a new system, that threatened all Europe with destruction. The present motion appeared to be highly objectionable; the object of it seemed to be, to call on his majesty to make a distinct specification of the mode in which the war was to be carried on, and to desire his majesty, in direct violation of all the treaties by which he is engaged, to abandon the common cause. This appeared to him to be highly improper; for we should at all times pay a high regard to the spirit of our treaties, and were bound in honour by the present treaties. Others might be of a different opinion but he believed there were but few in this country who would think it adviseable for his majesty to abandon the spirit of them without even so much as consulting any one of his allies; this would be a direct violation of the law of honour, as well as the law of nations; by this we should at once forfeit our faith and abandon our own interest.—With regard to peace with France, we could have no hopes of it under the present system, unless we were prepared to sacrifice every thing that was dear to us, for we had lately been told by one man in the National Convention, that we may have peace if we please, but before we have it we must give up our constitution. What after this, was to be said of the hopes we had of obtaining peace under the present system of government in France? What were we to expect if we were to withdraw from the present league, or to become passive? The best way to answer that, would be found out by looking at the conduct of the French when they invaded Savoy. That they were eager to introduce their political sentiments into other countries, appeared sufficiently clear from their conduct in neutral nations, or wherever they were permitted to have any footing; their first and great object in such situations being, to establish Jacobin clubs, for the purpose of disseminating their principles; and in Flanders they even established primary assemblies. Would we propose terms of peace with France, we must first disband our army, or quit the territories of the Republic, and then what security had we that any honourable terms would be assented to on their part? The noble earl contended, that the safety of the country, the preservation of the constitution, and of every thing dear to Englishmen and to their posterity, depended upon the preventing the introduction of French principles and the new-fangled doctrine of the Rights of Man; and that this could only be effected by the establishment of a regular form of government in that country upon which some reliance might be placed.

The Duke of *Grafton* rose to deliver his sentiments in favour of the present motion, not from attachment to any party, but from a thorough conviction that he could not render his country a more essential service, than by using his utmost endeavours to rescue it from a war as destructive in its nature as unknown in its principles and object. He should have been satisfied with hearing the opinion of

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others much at length upon this subject, and would have weighed it well, and then as a man of honour, unbiassed by any side, should have given his vote. This he wished to do on every important occasion, he should certainly have done so upon the present, if the noble marquis who made this motion had not done him the honour to communicate it to him; and he must declare, that if he had not deliberately considered it, and if he had not been thoroughly satisfied with the construction and tendency of it, he should not, at this stage of the debate, say a single word upon the subject; but, under all these circumstances he thought it his duty to come forward and declare his sentiments. There might be some who thought that it would avail nothing to support a side of a question against a great superiority; he confessed he was not dismayed by that consideration: for he was old enough to remember and to see a small minority—a minority slandered by addresses to his majesty from different parts of the kingdom, and by other productions, and all this for advising peace with America: and yet some of the very persons who were so angry at first at this advice, adopted it, and the small minority grew up into a large majority in the kingdom. What, then, was to be dreaded in this war, any more than had been encountered and subdued in that former instance? Nothing. Was this motion to be attended with any indignity to the Crown? No; that was not the intention. Was the spirit of the motion against the interest of the citizens?—He did not like the word citizen. But was there any thing in the motion against the interest of Britons? Nothing. On the contrary, the motion was calculated to promote the welfare and prosperity of the country; and he believed, that if right measures had been taken some time ago, with regard to continental affairs, hundreds of thousands of the lives of our fellow beings would have been saved; and he saw no reason why steps that had hitherto been found so destructive, should still be proceeded in. He had some time since heard, indeed, that we ought to repose confidence in ministers; but when so much blood and treasure were to be wasted by their schemes, confidence in ministers was a new doctrine to him; and he was sure it was entirely unconstitutional. There were men who were interested in continuing the system, the effects of which were so heavily felt. But he believed not many of their lordships would deny that very alarming consequences might arise out of that continuance. We knew very well that we were two years ago in a state of enviable prosperity; and few would doubt that we were dreadfully fallen since that period. For this he was inclined to think there were two causes, either the building itself, although not rotten at the heart was in a state of dangerous decay, or ministers were corrupt in the discharge of their duty; and by inefficient, ill-judged, or unwise measures, had brought us to the condition we are in at present. Either of those causes was enough to bring us into our present situation, and unless some remedy was taken to prevent it, this might end in our total ruin. Hitherto he had dealt in general terms upon this subject, but their lordships would be able to apply what he said without any difficulty. They would remember that about two years ago the chancellor of the exchequer had, in a speech delivered with that matchless eloquence which distinguished him, held out to the public the very thriving condition of the finances, the growing produce of our revenue, and the prospect we had of continuing to ourselves the blessings of an uninterrupted peace for the space of fifteen years: in February 1792,* the minister had actually calculated our finances upon that prospect, and on it he had built a plan for the liquidation of our enormous debt. At that time the minister could not be deceived as to the affairs of France, for there was not then a single emigrant from France that was not a friend to the old government, and from whom he could not have received any flattering details of the good disposition of the then ruling party in France; and yet with all this advantage from information that could not flatter him, he was pleased to hold out to the public a prospect of the blessings of peace for fifteen years together! What did this teach every man of a reflecting mind to infer? Either that the minister was insincere at the time he held out this language, or that the system on our part with reference to the politics of the Continent, was changed. The first was an uncharitable, the second a fair inference. He would take it, then, that we had changed our system, and that we were now to insist on a particular form of government. On this, he must own he had no idea of success; nor did he see justice in

* See Vol. 29, p. 816.

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our interfering at any time in the internal government of France, or of any other country. He had heard, indeed, that the French insisted on altering our constitution, before they would consent to be at peace with us; but he believed that if there was wisdom in our councils, and proper terms were offered for peace with the French, our constitution would not be in any danger. He had heard much said against the violence of the French, and the desperation of their cause, as manisfested by their debates in the National Convention, and much reliance was placed in the pamphlet of Brissot, to prove that the French were determined on the destruction of all other governments. He owned he did not agree in such a conclusion. We had in our Houses of parliament said as hard things of them and their government, as they could say of us. All this would soon be set aside, by opening any train of negociation, which had been too long neglected. Indeed, such steps had been taken, as had tended much to inflame the whole of the French people. One of these was the manifesto of the duke of Brunswick, a performancc which he really believed had been the cause of much shedding of blood. It was but just that the public should know whether our cabinet knew any thing of that publication. If they did, he was sorry they did not protest against it. If they did not, it was insolent in the court of Vienna to conceal it from us, at a moment when it must have been in their contemplation to bring us into the league, and while we remained silent on that subject, the people of France would consider the sentiments contained in this manifesto as the sentiments of the king of Great Britain. The same observation was applicable to all the other manifestoes and declarations of the allied powers.—The noble duke concluded with observing, that with regard to himself, ministers ought to see, by looking at his conduct for years, that he was actuated by no motive of personal hostility to them: but on this occasion he felt himself bound to act the part he did. He acted from a sense of duty to his king, his country, and himself; and viewing all these as he did, he found himself bound most solemnly to declare it to be his opinion, that from continuing in the present system, the existence of the throne itself might be in danger, the authority of parliament annihilated, and the country ruined.

The Earl of *Carnarvon* said, that in no argument or proposition advanced by the noble marquis, did he concur, but one, which was, that peace was desirable, if it could be obtained with honour and security; but to him it appeared, that there existed at this moment no greater hope of security than there existed two months ago, when their lordships concurred in the address, which expressed their opinions that a continuation of the war was just and necessary. An honourable peace did not seem to be possible; for the ground proposed was a breach of faith with our allies. What was the object of the motion? To address his majesty to define the object of the war, and the grounds upon which we will accept of peace. The object of the war had been already amply defined on the part of France, in their several decrees, from the 16th of November 1792, to the report of Barrere, as president of the committee of general safety; their object was an offensive war, for the purpose not only of conquest, but of the subversion of the different constitutions of the governments of Europe. Our object was a defensive war for the protection of our allies, the preservation of our constitution, and for obtaining security against similar encroachments in future. The arguments used against a continuance of the war tended to involve us with our allies, by inducing a suspicion of their conduct, and also to involve us with neutral nations, America in particular, who was so intimately connected with us. A noble earl had on a former day alleged that France had, by her constitution, given up all idea of interfering in any government but her owu. A constitution it was called, but it possessed no feature of a constitution, nor a single trace of the venerable remains of their former government. Was it this constitution, which was deemed unfit for a time of war, upon which we were to depend for the continuance of peace? Even if we were to conclude a peace with the French, under the authority of that constitution to-morrow, there was no security for the continuance of it for a moment; for the enthusiasm of the rights of man, would endanger all the constitutions in Europe. In short, there was no security to be had from the French for the punctual observance of any of their engagements. They had no idea of national honour, national faith, or the force of a national engagement. To illustrate what he now said, he would refer to the

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common course of proceeding in courts of justice: when any witness was called to be examined, and when his integrity or capacity were doubted, he was usually asked, what idea have you of the obligation of an oath; if the answer was insufficient, the court would refuse to examine him. Precisely so was the case here—the French had no idea of an agreement between one country and another, and no reliance could be placed on their promise, supposing their judgment to be correct upon that subject. Indeed, all the ties of moral obligation were loosened. There was no religion in France; there was no morality in France; there was no honour in France; there was no virtue in France; there was nothing in France to be depended upon in which civil society was interested. The Deity by name they had degraded—denied his existence—then tolerated him—then admitted him a member of the Jacobin club. All that infamy, blasphemy, and folly, was the effect of their despondence and despair. What, connexion could be held with such persons? Their system was to set Europe in a flame, as had been expressed by Brissot; and although he fell, his opponents differed from him in this point, only in point of time: they agreed to the principle of setting Europe in a flame, as a matter of necessity for the preservation of the French Republic. Besides, we were lately told from the Jacobin club, and from the National Convention by Barrere, that England wished for peace; that England should have peace, but it must be by sacrificing her constitution; and this was a price which he was sure no man in this country would consent to pay.

The Earl of *Darnley* expressed himself more convinced than ever of the propriety of persevering in the war. He had often been told that the country was injured by its continuance; but when he looked around him, he saw the same happiness was enjoyed, and the country in the same prosperity as in 1789. There was no one who wished for a speedy and honourable peace more than he did; but before he made any attempt to procure it, he must have some reason to hope it would be permanent. But the noble marquis had not pointed out any mode in which peace might be procured. He had not stated with what government we were to negociate. It would be difficult indeed, for him to define that government. From the late decrees of the French government, it appeared that the Convention would listen to no overtures of peace, without the sacrifice of our constitution. This, with him, and, he trusted, with every other noble lord, would ever be an unanswerable argument against peace. The war was founded on justice and necessity; he would to the last moment give it his warm support; and so satisfied was he of its urgency, that he would prosecute it with his fortune and his life, should such support be ever requisite.

The Earl of *Guilford* said, that so much did he approve of all that had been said by the noble marquis, that if he was resolved to take the sense of the House upon his motion, he should vote for it. A noble earl had started an extraordinary sort of argument for refusing to make peace with France. He had compared the French government to a witness brought to the bar to give evidence, and whom he would think it necessary first to ask, if he understood the nature of an oath? Just so, the noble earl before he treated with the Convention would think it necessary first to be satisfied whether they understood the nature of a contract between two nations. If this doctrine were to prevail, he was at a loss to know when the proper time for negociation would arrive, for granting all that had been said about the perfidy of the Conventon, if they turned their attention to the ancient system of France, they would find that in all its transactions with this country, when a monarchy, there was as much perfidy, and as little dependence to be had on its treaties, as could be stated against this or any convention or government, from the time of Louis 14th to the present day. As to the question that had so often been repeated, how noble lords could advise making a peace that would be inconsistent with the treaties entered into with our allies, he would ask what power was invested in the executive government to make treaties, by which the privileges of that House were to be entirely taken away? He never could hear without reprobating such new-fangled doctrines. The next thing attempted to be argued was the impossibility of treating at all with France, from the different decrees of the Convention, and much use had been made of them, as well as of Barrere's report, which he owned, to him, did not appear in any way pertinent to the question then before the House. One

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thing, however, he was glad to see admitted by all parties, and that was the universal wish for peace that prevailed amongst all ranks of people in this country, and that unanimous wish ought to induce ministers to lose no opportunity to procure that peace so desirable. This despair of making peace, seemed to arise from an idea, that as long as the French adhered to the spirit of their decrees, there could be no chance of treating with them; it might be so, if this could possibly happen; but he contended that it could not; nor ought we to state those declarations in a stronger point of view, than the declarations of other countries. Such declarations he would always consider as the declarations of individuals, more than the acts of parliament, or government. It would then be said, what are we to do? so great are the difficulties at home and abroad, that we know not how to remove them? But he in his turn would ask what were they? He believed the difficulties were mostly at home, and without any solid foundation. Were we ashamed to be the first to bring about that which was not only for the good of our country, but for the general tranquillity of Europe? Much had been said about the danger to our laws and religion; but he could not see the weight in that argument which it seemed to have with some people; and at so momentous a crisis, we ought not to allow prejudices of any sort, or exaggerations of the proceedings of others, so far to get the better of our judgments as to prevent our restoring, as soon as possible, the blessings of peace to our country.

The Duke of *Leeds* said, that the motion, coming from the quarter it did, demanded from him every degree of respect. He declared himself however against the motion, and was surprised when he found the noble marquis had used no argument that could induce him to acquiesce in it. He did expect to have heard it stated that some great change in the French system had taken place, that something had happened that made a peace practicable; but from nothing he had heard that night could he collect any such thing; the only answer, therefore, that he thought the motion required was, to read the address to his majesty on the first day of the session. He had no doubt but the motion had been brought forward from the purest motives, and for the essential service of the country, but he really could not help objecting to the time in which it had been made. He considered the ground of the war to be purely defensive. He always had conceived the French system to be a shameful conspiracy against the constitution, the liberties, the laws, and the religion of every established government; and these he took to be sufficient grounds for the origin of the war. And as to peace, nothing short of a complete abandonment of that system on their part, should ever induce us to treat with them. He thought it would be mean and dastardly to recommend peace at this juncture, considering the circumstances of this country.—He congratulated the House on the appearance of a noble duke that night, after so long a retirement from public business, because he believed, that a conscientious sense of duty was the only motive that could have brought him forward. But one remark had been made by his grace which he could not pass entirely unnoticed: the noble duke had reflected on the conduct of ministers for some time back, and had ascribed to that conduct many of the worst consequences that had occurred since the breaking out of the French revolution. At the beginning of that revolution he was in office as secretary of state, and from his situation, he was happy to think that he had it in his power to avert one of the most horrid conspiracies at Paris, that could have been contrived. With regard to the conduct of M. Chauvelin, was there ever an ambassador so obnoxious, or any instance of a person who dared to behave in such an improper manner? He continued this shameful behaviour, till government found it necessary to assume the dignified part and order him immediately to quit the country. We have seen the declaration of the Convention, in which they stated that they would not enter into any overtures for peace till the enemy quitted their frontiers, and till we evacuated the Netherlands. What reason had we to suppose that after we had withdrawn, they would not resume their career, break through the barrier and again pass on to Holland? Besides they had positively declared, that England must relinquish her constitution, or they would not treat with her. On the whole, in the present state of affairs we could not, however great our anxiety for that object, effectuate a peace.

Lord *Sydney* objected to the motion, because it went to declare, our injustice in having commenced the war, our inability to carry it on, and our distrust of

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our allies. He felt himself warm on the occasion, from those honest prejudices of education which he had imbibed in his youth; and whatever apology might be made for the conduct of the French, because it was similar to what had been pursued under Louis the 14th, he would as eagerly have acted against him, had he adopted a similar course of cruelty and injustice. He would not enter into a detail of all their villanies, but would just mention their attack upon Savoy, upon Austria, upon the king of Sardinia, for no other reason than because he had a few paltry redoubts that stood in the way of their plundering incursions into the adjacent countries. Their conduct towards Geneva was unjust, unfeeling, and oppressive; they had endeavoured to render it an epitome of Paris. It was true, they did not succeed in their object of establishing their government, or more properly speaking, of destroying all government there, but they sent into their state a banditti of ruffians, at the head of whom was citizen Rotondo. This wretch, instructed, no doubt, in the bad purposes of his commission, was constantly reviling all legal and royal authority, and among other topics of abuse, had introduced the name of our sovereign. He was one day at table more than usually abusive, and in mentioning his majesty, wished him the same fate as the unhappy monarch who had been recently guillotined. This insolence was spiritedly repressed by a young Irish gentleman, whose name was Hobson, who instantly knocked him down. The affray cost this wretch his life, which he had so justly forfeited by his crimes. It was agreed on all sides, that peace was preferable to war; but should we prefer an unsafe and a precarious peace, when we could compel one that should be solid and lasting? War was already determined on, and he was sure the country, from the justice and necessity of the motives, from which it was undertaken, would continue to support it.

The Earl of *Kinnoul* said, he had not heard one argument which could induce him to alter the opinion he had stated last year respecting the conduct of France, and what ought to be the conduct of this country. He was for prosecuting the war, as a measure altogether wise and unavoidable.

The Earl of *Lauderdale* said, that it was now evident, that peace was the most desirable object to all ranks of men in this country; and as they had every reason to apprehend that ministers had not that object so much at heart as they ought to have, every man who persevered in his endeavours to bring it about, deserved the best thanks of his country. In this light it was that he felt himself obliged to his noble friend that night; that sort of perseverance was always proper, and in the American war finally had its effect. There was nothing novel in it, though there was in the manner in which he, and those who thought as he did, were treated by the supporters of the war. They were daily calumniated in the grossest manner, and every thing they said, misrepresented to suit the purposes of their calumniators. If they mentioned the word freedom, they were accused of Jacobinism; and if they spoke in favour of liberty, they were said to defend French principles.—It had been asked what losses we had sustained?—The answer was simple. There was not an individual but had sustained some injury. Every one who had property in the funds, had lost one-fourth part of it: and those who possessed landed property would find their loss to be in proportion. Then there was an additional burden of taxes to the amount of nine millions a year; besides an interruption put to that system of paying off the national debt, which, had we not engaged in this unhappy war, all the powers in Europe could not have affected. Every branch of our commerce had suffered to a great extent. And for all this, what had we gained? Would any impartial man look back to the last campaign, and say, that there had been one action, the remembrance of which could warm the breast of an European with pride at the conduct of his country? Had we persevered in a dignified neutrality, the wealth of Europe, would have flown into this island; we should have profited by the animosities of our neighbours, we should have gained a noble harvest, and have saved our honour. As to the alarms about the constitution being in danger, he had no fears of that sort, being fully sensible the blessings we enjoyed under it were so strongly impressed on all, that it was equally safe whether in peace or war. Every body knew, that there was no similarity between the old government of France and the constitution of England. What was the situation of the wretched inhabitants of France previous to the revolution? The purse-proud nobility oppressed the wretched

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peasantry with taxes the most severe; the clergy and nobility fed in luxury, whilst the miserable poor lingered out a wretched existence. The noble earl then proceeded to refute all the objections made as to the impracticability of treating with France, and argued, that if these were well-founded, it was impossible to say when peace might be restored. As to the impracticability of treating on account of our alliances, had we held that doctrine in our late dispute with Russia, we must have still been at war. To those who argued that to treat with France for a separate peace, would be a violation of different treaties which the executive government had entered into with foreign powers, he would say, that no treaty ought to have been made by which this country was prevented from making a separate peace, when her interests required it. The privileges of parliament would be annihilated indeed, and we should be acting on principles not British but truly Prussian and German, if ever we allowed the king or his ministers to make treaties which bound the parliament and the people of this country not to have peace till the impracticable views of those who entered into such treaties were gratified.

The Earl of *Carlisle* wished it not to go abroad, that there was in this country any aversion to peace. The true ground of objecting to treat was, that the proper time for treating was not yet come. Let their lordships consider what the effect of voting such a motion would be on the other side of the water. Our enemies would believe, that we were unable to prosecute the war, and rise in their demands when we proposed peace. It could not be pretended that the war had been unproductive of advantage. The advantage of driving the French back from Holland and the Austrian Netherlands was great; the advantage of driving them out of India was also great; but more important than all the rest, was in his opinion, the advantage of cutting off all communication with France at a time when war was declared, a circumstance of the utmost importance to the internal tranquillity of this country, and which nothing but war could have so completely effected.

Lord *Grenville* said, that whatever the real object of the motion might be, and whatever was the real intention of the noble marquis in making it, it would at least have one happy effect, namely, that of confirming and impressing more deeply on the minds of parliament, and of the people at large, the true, legitimate, and fundamental principles of the war, and of reminding them, how much they had at stake in the event, and how necessary it was to prosecute it with their united strength. Impressed with this idea he would enter into the primary causes of the war. He believed, however, there were but few who then heard him that were not convinced that it was a war, on the success of which the existence of every thing they valued in life depended. A noble duke had very naturally asked, what new ground had occurred in the space of the last few weeks to change the opinion of parliament, which had lately gone to the foot of the throne to pledge itself to support the war? What new measures had arisen now to hold out the idea of peace, though not a substantial one? A noble lord had challenged those who were advocates for the war to declare, whether they could express the objects they had in view? This challenge he was willing to accept, and, in one word, would tell their lordships the object was security. A noble duke had adverted to the speech of a right hon. friend of his delivered in the other House in February 1792, in which he had congratulated the nation on the prospect of a lasting peace. Had his right hon. friend even gone so far as to speak with that degree of certainty stated by the noble duke, allowance might be made for zeal, and the frailty inseparable from human opinions. But, would any man compare the state of Europe in 1792 to its situation when the war began? There was in 1792 something like a government in France. The amiable monarch, who had fallen a victim to a regicidal faction, had then some little power; and the scanty authority which he had was made use of to compose the tumultuous dispositions of those who had usurped the power in that country, and to avert the menaced hostility of the surrounding nations. At his solicitation, the most friendly conduct was pursued by the government of this country; and there were strong hopes entertained by those in his majesty's councils, that this amicable disposition would have met with no interruption. The Emperor had shown a similar forbearance, with the hope that hostilities would be prevented. But there was a party in the Convention who were actuated by the basest principles that ever were displayed in any country. They ar-

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gued, that if the king should become popular, he would at length become powerful. They therefore frustrated all his pacific views, compelled him to discharge his ministers, and substitute Brissot's faction in their stead; and then came on the war with Austria. Actuated by malignity and perfidy, they forced the king to abandon peace, in order the better to bring about their private ends, and establish a republican government.—Much had been said of the manner in which M. Chauvelin had been treated, and much blame had been attempted to be thrown on ministers for their conduct in that transaction. But here he must declare, that their treatment of M. Chauvelin, so long as he conducted himself with discretion, was conciliating and indulgent; but from that period in 1792, when the Jacobin faction had usurped the government, M. Chauvelin left no means of corruption unattempted, to debauch the minds of the people, promote disaffection to the government, and raise them up in opposition to the established authority of the country.—Such was the extent of the mischief then. But had it been diminished since? It had not, nor ever would, but by crushing the very source from which it sprung; for if sedition reared its head here, how could it be successful but by uniting with the factious banditti in France? His lordship then went into a detail of the original circumstances that gave rise to the war, and drew inferences from it, to show that the war, on the part of Great Britain, was defensive in spirit and in fact. But if none of this had passed, subsequent acts of aggression would have rendered it impossible for us to remain at peace. The question then before the House was simply resolved to this, shall the horrors of France be introduced into England? A noble lord had expressed his disbelief of the adoption of atheism by the French. Thus far he would agree with the noble lord, that atheism had not become universal with the people there; but that it was adopted by the ruling powers, no one could doubt. His lordship then adverted to what had fallen from the noble marquis, touching the last campaign, which he had censured as unproductive of any advantage; but as facts were at all times able to countervail mere assertion, he would lay before the House the comparative state of France at the beginning of the campaign in February, and at the close of it. In February, the French were in possession of the Austrian Netherlands, Valenciennes, Condé, Le Quesnoi, and a number of other towns. They had a victorious army in Champagne, and Savoy, and had penetrated even to Holland, where they threatened to subjugate Holland, and make the wealth and fleets of that Republic the instruments of descent on Great Britain. This was their state in February. But what was it at the conclusion of the year? The French driven from Williamstadt, and finally out of Austrian Flanders, their commerce destroyed, and the seas cleared of their cruizers: the grand fleet in the Mediterranean destroyed, their navy crippled, and their principal arsenal rendered useless; while almost all the ports in Europe were shut against them. To all this was to be added the various possessions taken from them in the West-Indies, and their total expulsion from the continent of India. These were successes which were greater than had ever attended the first campaign of any war. Lord Grenville here defended the Dutch from some insinuations that had been thrown out against their military character. He thought they had much better have been avoided, for they were calculated to do essential mischief. Something of a similar nature had been said of the king of Sardinia, who had been represented as continuing the war for no other reason than to benefit himself by the subsidy granted to him. Nothing was more false. His majesty was an honourable man, and was perfectly entitled to the assistance granted him. His lordship then turned to the conduct of the allies to neutral nations. He said, the intention was, to prevent nations, under the pretext of an affected neutrality, from supplying the enemy with the materials for carrying on the war; and on this subject the language of the cabinet to those neutral powers was in a tone of moderation, good temper and firmness; and he avowed, that if, notwithstanding such remonstrances, they still persisted, the arm of war ought to be brought in aid; for it was indispensably necessary to the successful prosecution of the war, that such collusive dealings should be put an end to. As to America, which the noble marquis had said was disposed to go to war with us, he had reason to be of a different opinion, and was persuaded, that if she departed from her neutrality, it would be on the side of the allies.—Lord Grenville said, he was astonished to see two men, such as the

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noble marquis and the noble duke, who had both held such situations in this country, come forward and propose a negociation without stating any one ground on which a peace could be brought about with security. Would either of the noble personages degrade themselves so much as to be the bearers of a proposition for peace? Or did there exist a man in France who had the power to treat with them? There is neither stability nor consequence in any one set of men to treat for a peace. There exists a power for invasion, but no power for a negociation. Barrere in his last speech has said, "Kings have asked us with whom are they to treat. I answer them, let them treat with our armies on the frontiers." But there are several armies, and what one might agree to, the other might disapprove. I do not say, but that there may be some great general in an army, with whom it might be safe to treat. But who are the generals who head the French armies? Are they men of any note, or who are permanent in their command? Are they not rather objects of jealousy and misfortune; passing from obscurity to command, and from command to the guillotine? In the whole course of the revolution, there have been but two generals who possessed any kind of power, La Fayette and Dumourier. We all know what has been the fate of both. I therefore may fairly conclude, that there is no security in treating with the armies. If any power exists in France, it is with the most desperate men, whose traffic is in murder and assassination. Besides, there are two distinct obstacles to prevent even a negociation. By one decree of the Convention, every man is to be punished with death who proposes a peace; and by another it is decreed, that the French republic shall make no peace while the enemy holds a foot of ground on its frontiers. What is the situation of the allied powers, that they are obliged to conform themselves to these new-fangled regulations? Has it not been the custom of every nation to acquire an indemnity after a successful war? Will any man say, that we are to give up all our conquests, to evacuate all the strong posts now in our possession, as a preliminary to a negociation and acknowledgment of the French republic, its indivisibility, its equality, its liberty, and all its bombastic appellations; that we must acknowledge the sovereignty of the people, as well as their tyranny, the source of every disorder. If you do so, you are confessing the tyranny of your own government, and the justice of their's. What an example does this hold out to every nation! These are the concessions which must be made before a negociation can be entered on. The French provoked the war to establish a republic; and they continue the war to preserve it; nor do they think themselves safe, till, as Barrere says, "the English renounce their infernal constitution." For my own part, I should feel it an honour to be considered by France as an obstacle to the establishment of their criminal government. It is my firm opinion, that the only result of success on the part of the enemy would be, the consolidation of the Republic of France, and the consequent destruction of every monarchical government by France. I therefore shall give this motion a more decided negative than ever I did any other since I sat in parliament.

The House divided: Contents, 12; Proxies, 1—13. Not-Contents, 86; Proxies, 17—103. Majority against the motion 90.

Debate in the Lords on bringing Foreign Troops into the Country, without the Consent of Parliament.] Feb. 21.—The Earl of *Albemarle* said, it would appear very singular, that so young a member of the House as he was, should undertake a task of such magnitude, as that of examining and censuring the conduct of ministers; but the right, nay, more, the duty of every member of that House to watch with a jealous eye every act that tended to extend the prerogative of the Crown beyond its legal limits, and every encroachment on the liberty of the subject, was what he was sure the House would agree with him in admitting; a violation of the laws of the country was a point which particularly called for their interposition, and in this light he considered the act of landing a body of Hessian troops, without the consent of parliament. In order to prove that it was illegal, he read that part of the Bill of Rights which related to the subject; that Bill expressly states, that the king cannot keep up a standing army, in time of peace, without the consent of parliament. He was aware that he should be told that what he had just read was inapplicable, inasmuch as the words of the Bill were, "in time of peace," whereas the

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measure was adopted in time of war; but he would the more contend, that what was deemed by the spirit of the constitution to be illegal in time of peace, ought to be deemed still more illegal in time of war. The next proof, upon which he meant to establish the illegality of the measure was, the act of settlement. That act states, that it shall be illegal for any person not born in England, Ireland, or Scotland, or their dependencies, except such as had been naturalised, or were born of English parents, to hold any trust, civil or military. This, therefore, is directly against the measure that has been adopted, for the troops landed in Great Britain were commanded by foreign officers, which was a military trust; and which trust the act of settlement made it illegal to exercise; the landing and keeping the private soldiers was also made an illegal act by the Mutiny Bill. These were strong points, and such as he conceived would establish the illegality of the measure. He had therefore prepared a bill of indemnity for those persons who had advised his majesty to it. His lordship then ran over the precedents of 1745, 1756, 1775, 1782, and 1784. In 1745, when the country was threatened with invasion, and a number of foreign troops were landed, the king had sent a message to parliament, expressive of the circumstance; but such was the jealousy which their lordships' ancestors manifested on that occasion, that in 1746 they entered into a formal protest against the measure. In 1756, his majesty again made a requisition of foreign forces, and at that period his majesty's ministers thought fit to give notice to parliament. In 1775, a motion was brought forward for the purpose of empowering his majesty to send foreign troops to Gibraltar and Port Mahon; the motion was lost by an evasion, as it was said by the ministers of that day, that Gibraltar was out of the kingdom; but such was the opinion of several noble lords, that they entered against this measure also a strong protest. A bill of indemnity was introduced at that day; it passed the Commons, but had been rejected in the Lords, because the preamble ran thus, in the usual form: "Whereas doubts having arisen;" but their lordships, struck with the word "doubts," objected to the bill *in toto*. For to admit that, was, in some measure, to admit the justification of ministers at a future period. The next precedent was that of 1782, which he explained. The precedent of 1784 was, when the Hessian troops brought home from America were landed in the Isle of Wight, in consequence of the river Weser being frozen, which rendered it impossible to send them to their own country till a thaw took place. His majesty's ministers brought down a message to the House, informing parliament of the circumstance and of its cause. There was a resolution of the House of Commons in 1641, in these words:—"Resolved, that any person who shall recommend to his majesty to employ foreign troops within this realm, shall be deemed an enemy to the constitution and the country, and punished as such." He begged their lordships to consider, that if they threw out his bill, they would establish a precedent extremely dangerous: it would authorise the king to employ at any time an unlimited number of foreign troops in English pay, without the consent of parliament. His lordship then brought in a bill "to indemnify such persons as have advised his majesty to bring within the dominion of Great Britain certain Foreign Troops belonging to the Landgrave of Hesse."

The bill was read a first time. On the question for the second reading,

Earl *Spencer* congratulated the House and the noble earl, on having begun his political career with sentiments that reflected the highest honour on him. He also gave the noble earl credit for having stated the precedents correctly; and if the present instance was a deviation from those precedents, he would very readily second his motion. But the Bill of Rights was not violated in this case, because it particularly forbad the keeping a standing army without the consent of parliament. The act of settlement did not affect it, because the troops now in England were no more than an armed people stationed at different places. The officers did not command in their present state, and therefore they held no trust. The present case was similar to the precedent of 1784. The Hessian troops taken into British pay had come to the place of rendezvous, off the Isle of Wight; their destination was not known; and if it had, ministers would have been very wrong to have published it; still a message had been sent to the House, declaring their arrival, and the reason of their landing. In what instance, then, had the law been violated. With regard to the resolution of 1641, he did not

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conceive it could apply to the present case; it was not a law; but he thought it the less worthy of notice, as it took place before the Revolution, from which time only the constitution had taken that glorious form which it had retained ever since. The spirit of the present motion clearly was, that the king should not keep an army in this country, without the consent of parliament previously obtained. This would be true, if it were either stated or believed that he kept this army for the purpose of using it. If any man were to assert that his majesty could use those foreign troops, or any foreign troops in actual service, without the previous sanction of parliament, he would be the first to impeach that man. It was the bounden duty of that House to watch the conduct of ministers in this respect, and it was certainly true, that their vigilance was most demanded in dangerous times, when innovations might be most successfully attempted. But he saw no violation of law or the constitution in the present act.

Lord *Auckland* contended, that so far from the constitution being violated the people of this country felt its beneficial effects in the highest degree. He had heard of no law which proved the illegality of landing foreign troops; but if he was disposed to enter at large on the question, he would argue, from the spirit of the constitution, that the conduct of ministers was just and proper. As the constitution was silent on the point of emergency which required the landing of foreign troops, it was fair to argue, that it left the matter to the wisdom of the executive power. It had been said, that such an unbounded prerogative of the crown might be employed by a vicious prince, to over-run the country with foreign troops. Fancy was often employed to give imaginary danger to the exercise of the royal prerogative; but could any individual lay his hand on his heart, and say, that there had any improper or dangerous use been made of that prerogative? In times of danger, like the present, it was wise to have confidence in, rather than suspicion of, the discretionary power of the crown, exercised through the ministers. On these grounds, he would move the previous question.

Lord *Romney* did not think the present a fit case to call for an act of indemnity; but though he should vote against the bill, he must declare his utter dissent from the noble lord who spoke last, that the introduction of foreign troops was not illegal The doctrine was contrary to every idea he had of the constitution.

Lord *Grenville* could not reconcile it to himself to give a silent vote upon this occasion. That the prerogative of the crown did not extend to the right of keeping a foreign force in this country, during the time of peace, he was ready to admit; but that did not imply that a case of necessity might not arise, in which ministers might feel it absolutely requisite to admit them; and this he conceived might be done without the smallest breach of the constitution. Now, if nothing irregular had been done, no bill of indemnity could be required. The precise question was, whether the act of landing a small body of Hessian troops destined on a foreign service, which was retarded by accident, whose health required, that they should be so landed, and of which landing, notice had been given to parliament as early as possible, was illegal; Now, as all the prerogatives of the king were to be executed under the responsibility of his ministers, it was the duty of that House, to examine the exercise of each prerogative; but they would not, he conceived, be ready to question and arraign prerogative itself. They would not presume abuse, they would not lay it down as a maxim, that where there was prerogative there must be abuse of it. To keep an army in England without consent was contrary to law; but to introduce a body of troops merely on an emergency, and to communicate the same to parliament, was regarded as a sound exercise of the royal discretion. The crown, indeed, could not keep up a standing army in this country, as the standing council of the nation, the parliament, held a full security against it namely, the army could not be quartered, disciplined, nor paid without their authority. What, then, was to be apprehended from the admission of a few foreign troops, in a case of necessity, avowedly engaged for foreign service, and who could not possibly act here? The danger could be none; and therefore it appeared the more strange that an indemnification should be thought necessary for those whom no man could fairly charge with having done wrong.

The Earl of *Lauderdale* said, that on a liberal interpretation of the Bill of Rights, there was no difference between the landing of foreign troops, either in peace or war. This principle was recognized by

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our constitution, and was the spirit of the bill which was attempted to be perverted. The wise plan of our ancestors had infused into the Bill of Rights a general principle, which provided better for posterity on unforeseen occasions than if it had been limited and tied up for partial and particular purposes. He quoted precedents in order to enforce his statements, and said that the very principle of the mutiny bill applied equally to war and peace. The act of settlement explicitly declares, that no foreigner is capable of any civil or military trust. The act of George 1st leaves not a shadow of doubt on this point, when it expressly says, that no foreigner, naturalized, can be employed in a military capacity. It is but reasonable, then, that the country should be alarmed when troops in crowds were brought into the kingdom. He contended, that every precedent down to 1782, would bear him out in his argument. He showed by the letter of each message, that until the present instance, the communication had been in sufficient time to enable parliament to take measures against the landing, if they thought it unsafe, or improper: here the thing was done without giving them time for such measure. But it was said the crown could introduce troops without their consent, provided they were not exercised and disciplined. Was it, then, to be gravely argued, that the crown possessed the prerogative of landing at pleasure an armed banditti? For such must all troops not subject to discipline be. He could not keep native troops without the mutiny law; but he could keep foreign troops; and the violation of the most sacred compact, with respect to the regulation of the standing army, was necessary to the existence of this prerogative. But it seems the crown might land troops without previous communication; without assent; he might do this to any amount; but when here, they could not be employed but with the sanction of parliament! and so parliament were to see the introduction of troops with perfect indifference, because afterwards they might dispute the use to which they might be put! He did not highly approve of arguing the case with 30,000 armed logicians.

Lord *Hawkesbury* said, that with regard to the illegality of landing foreign troops in the kingdom without the consent of parliament, there could not be a question upon the subject; but undoubtedly the measure, in this case, as in every other, ought to be considered with a particular attention to the peculiar circumstances of it. With regard to the instance in question, no noble lord imputed blame to ministers, or raised a doubt as to its expediency or necessity. With regard to the right of the crown in this particular, the various acts of the legislature, and the universally received principles of common law, were sufficiently clear upon it, as well as upon every other part of the constitution, without calling upon parliament upon every occasion to ratify them. He was as ready as any noble lord could be to declare, that the employing foreign troops in this country was illegal; but then the present case did not amount to that, for these troops were actually engaged for foreign service, but had been landed through the mere necessity of preserving their health. As to the precedent of 1641, he thought it by no means a good precedent, because at that time the parliament were on the eve of engaging in a civil war; and looking to resistance, it was clearly of great moment to them to prevent Charles 1st from landing any foreign troops in this island. With respect to the Bill of Rights, if it had been the intention of the great characters concerned in it, they certainly would have provided for a case like the present, could they have foreseen that any such case would arise; for the Bill of Rights was drawn up by men of the highest character then living. As to the subsequent instances, he passed briefly over them, and showed the tardiness with which parliament had entered into any consideration upon the subject of foreign troops; that the legality or illegality had not been even the subject of their examination; and that the subordinate considerations of their subsidy and destination had alone been in their view. He contended that this was one of the prerogatives of the crown, which should be trusted to the discretion of the executive power, which was responsible for the exercise of it. Ministers did not feel the smallest apprehension from what they had done, consequently did not wish for a bill of indemnity; and as he thought it was totally unnecessary, he should give the motion his negative.

Earl *Stanhope* was happy that his noble relation seemed so little inclined to favour that monstrous doctrine that had been laid down in another place. It had been

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elsewhere stated by persons high in official situation, that the king by his prerogative, had a right to land as many armed foreigners into this country, either in time of peace or war, as he pleased, without the sanction of parliament, and to march them wherever he thought proper. All he would say upon this point was, that if any minister of this country attempted to practise the doctrine that had been stated, he trusted it would be resisted with that violence which it called for. He differed widely from a noble lord who had argued that it was legal for the king to introduce a foreign army into this country. The noble secretary of state did not go so far, but he seemed to think that the legality of keeping a foreign army in this country depended upon the manner in which it was to be employed, because it would be illegal to employ those troops without a second communication from the king to parliament, stating in what manner they were to be employed. Thus the noble lord did not wish to carry the sublime Tory principles of prerogative, which had been dwelt upon in another place, so far. In this way, then, these noble lords did not differ with those with whom he agreed that night; they allowed that there was right by prerogative, at the same time that they argued there was no law against landing these foreign troops; so that this was all the difference between them, as to which, the *onus probandi* certainly lay with the other side. He quoted judge Hale to ascertain that what was called the statute law took its date in 1189, and all the law before that period being founded on usage merely, was styled the *lex non scripta*, or common law. He next quoted Blackstone, to prove that the first standing armies in Europe was in France in 1445, which made it necessary to guard against the dangerous consequences of a standing army; and this being several centuries after the commencement of the statute law, it was impossible that the common law could at all apply. He then came to the precedent of 1775, when foreign troops had been landed, and it had been found necessary to come to parliament to obtain its sanction, and a bill for quartering these troops. This certainly proved that, without the sanction of parliament they could not be kept in the kingdom. With surprise he had heard a noble earl desire the House to look only to what had happened since the revolution, and not to look farther for the constitution of this country; and that all before was fitter for a discussion in an Antiquarian society than that House. In this he differed widely from the noble earl, and considered that not an iota of our constitution was altered by the revolution, but merely established. The noble secretary of state had mentioned the standing council of parliament as a justification of any measure, however illegal, that might appear to the executive government necessary or expedient; but he would ask where was this standing council during the recess of parliament? As to precedents he considered them as nothing, particularly when argued as they were that night. It had been argued as precedent, that illegal measures had been taken in many instances without any notice being taken of them by parliament; but upon this idea ministers might do just as they pleased; for he believed there was nothing so bad, so illegal, or so enormous, but there might be a precedent for a similar crime without its being noticed by parliament. He concluded by giving his hearty assent to the motion.

The Earl of *Carnarvon* considered the bringing in, or maintaining a foreign army in this country to be totally illegal and unconstitutional, but saw nothing in the present case that called for a bill of indemnity. He professed himself to be against the introduction of abstract questions; the prerogative of the crown had better be left as he found it. The bill he considered as truly ridiculous; and to prove it was so, he begged leave to state a supposed case; for this bill, if it meant any thing, was to preserve the ministers from the dangers of an impeachment. Now suppose there were a number of foreign troops engaged for an expedition, and that one division of them should be wrecked on the coast of Sussex, and the other, from long confinement on shipboard, were threatened with an alarming disorder, and the minister should advise their being suffered to land; in both these cases he would be equally criminal for having suffered them to be on shore; and the impeachment must run something in this form, "Whereas the minister did cruelly and wilfully consent to save the lives of sundry men who were shipwrecked; and whereas, with the like cruel intent, he assisted in restoring to health certain other men, &c." Now could any man find him guilty for such crimes? And if he could not be found guilty, it

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was an absurdity to think of a bill of indemnity.

The Earl of *Guilford* was clearly of opinion, that no foreign army could legally be landed in this country, and that no argument of expediency could justify any deviation from the principles of the constitution. Some noble lords, too fond of precedents, seemed to argue that every deviation which had been overlooked by parliament, was as much in their favour as if there had been an existing law on their side. He called the attention of the House to the ingenious manner in which the act of settlement had been attempted to be evaded by the noble secretary of state. The noble lord had said, they were no army, nor in any military trust; because to make them an army, three things were necessary, to discipline, to clothe, and to pay them, which could not be done but by parliament; and from thence had argued as if to lay the order for bringing foreign troops before parliament without any notice whatever. In this manner James 2d, might have brought into this country a sufficient number of French troops to have prevented us from enjoying the blessings which we had, and he trusted long would enjoy, under the mild government of the house of Brunswick. Some noble Lords had stated a bill of indemnity to be the same as a bill of impeachment: he thought there was a wide difference. As to what had been said about the message from the throne being sufficient for the executive government to act upon, he would conclude with observing, in the words of lord Coke, "that the king's message was gracious; but what is the law of the land?"

The Duke of *Portland* considered the bringing of any foreign troops into this kingdom, and keeping them, was illegal and unconstitutional; at the same time, he saw nothing in the present case that made a bill of indemnity necessary. He saw no sort of danger from the landing the Hessians at this time, under the circumstances which brought them to their present temporary station.

The Earl of *Carlisle* wished noble lords had not introduced the abstract question; but as it had been introduced, he would not hesitate to declare, that he thought that there could be no doubt that the introduction of foreign troops, without the consent of parliament, was unconstitutional and illegal, at the same time he conceived the nature of the case to be such as to render a bill of indemnity unnecessary and improper He compared it to the case of 1776, when a famine was dreaded and ministers had acted without the sanction of parliament; a bill of indemnity was then proposed, and was refused by earl Camden.

The Marquis of *Lansdown* said, that when he came down to the House he did not know in what manner the question was to be taken up. He complimented the noble mover on having made his first appearance in that House in such a manner as he never recollected to have been equalled by any young lord. He had shown most clearly the necessity for that discussion, for which the House and the country owed him their particular thanks. From all he had heard he was happy that it had been brought on, not as a party question, not as an abstract question, not as a political question, but as one of the most important that could possibly be argued in that House, because it was intimately connected with the existence of the constitution of this country. An attempt was made to avoid such discussions as unnecessary, because, to agitate doubts upon a subject where there really were none, some noble lords thought was dangerous; he thought it no more dangerous than if any of their lordships was to consult a lawyer about the title of his estate, when it was not challenged; and as to being unnecessary, that day's debate was a complete answer.—His noble friend had gone upon the best grounds, and taking all the circumstances, what could be so proper a way of bringing the question before the House as by a bill of indemnity? He did not recollect whether his name was or was not to the protest in 1782, but his mind was perfectly made up on the subject, and he gave it most explicitly, "that without the previous consent and sanction of parliament, the king could not bring legally a single man into this country." His lordship then went over the different precedents of 1741, 45, 56; at last, in 1775, a bold and proper stand was made against the practice, which was followed up in 1782. The last precedent, that of 1784, was fresh in their memories, but whatever blame might be ascribed at that time to ministers, that was a time of much confusion, and not to be used as a precedent now. There were however, much higher and stronger reasons for his giving his vote for the motion that night. This pretended right had been compared to different branches of the king's prerogative, his power of pardon, and

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veto: but here there was a material difference; those were powers given and acknowledged; but the power of introducing foreign troops into this country either in time of peace or war, without the consent of parliament, never was given. Other doctrines of a nature equally curious had been used, and an attempt made to place the executive power of the crown and the parliament, as plaintiff and defendant, upon which ministers built their grand argument of responsibility. In short, they are to do what they please, and tell us, we do not wish for an act of indemnity; if we have done wrong we are responsible. And this sort of doctrine, attended by the supposed influence that ministers ought to have, had a wonderful effect in softening and conciliating majorities in both houses of parliament. He was extremely sorry to hear some noble lords treat bills of indemnity as measures, that seldom had been or ought to be used. He must remind noble lords, that they had not always thought so; not long ago, when the country was threatened with a famine, and numbers found it indispensably necessary to act illegally, very great and curious discussions took place; and when it was mentioned only to be a temporary measure for ten days, a bill of indemnity was insisted upon, and it was properly said that ten days were as bad as ten years; if the law was infringed upon by ministers, from whatever cause a bill of indemnity was necessary, and this applied to the noble earl's argument of shipwreck. Though he rejoiced in this discussion, he still said that there was something left in the wound; he wished to have it perfectly cleared away. Ministers and their friends cannot argue the legality that they admit: but as is the case in all questions of prerogative, one says, he thinks, another believes, and still nobody can make out the precise extent to which they wish to carry their maxims of prerogative, till finding they have carried them too far, they lower them and lower them one after another, till they get a man who is eloquent enough to deny them quite, and is altogether angry if any one dares to say that ever he could have thought or said so. That conduct was not new in public political assemblies. He was truly happy that his noble friend had struck a bold blow at that system. The phalanx ought to be shook, and he had shaken them in an honourable and manly way. He should give his hearty assent to the motion.

The Earl of *Mansfield* would not suffer the principles that impressed his mind to be warped by what he had heard in the House. He had formed his judgment, not by abstract and theoretical propositions, but by the practice of our ancestors in the purest times. It did not appear to him possible precisely to define what was the extent of the prerogative of the crown in this or that peculiar instance, because, as the prerogative itself was nothing more than a discretionary power lodged in the crown for the common benefit of the kingdom and the king's subjects, the wisdom, expediency, and necessity of its exercise, depended altogether on the nature of the emergency which called it forth, and of the extent of that emergency parliament were to be the judges. The king's ministers were undoubtedly responsible to parliament for the whole of their conduct and the question at all times when the prerogative of the Crown was made use of, would be, not, whether ministers had a right to use the royal prerogative, but whether the occasion justified the manner in which they had exercised it. After what had been heard, there was but little occasion for him to say any thing respecting the precedents of former times; he would content himself, therefore, with adverting to the precedent of 1784 which had occurred in the time of the present ministers, and must be fresh in all their lordships minds. Noble lords must remember, that the time to which he alluded was a period in which ministers were not likely to pass unwatched, nor did their conduct stand much chance of escaping censure, if it had been thought that censure was deserved. For his part, he saw no shadow of violence to the constitution in the transaction of 1784, nor did he perceive any shadow of violence to the constitution in the recent instance of landing the Hessian troops, and therefore he should vote against the bill.

The Duke of *Bedford* said, that every noble lord had agreed as to the illegality of the measure. He was therefore surprised that the noble secretary of state had followed up that opinion by very ambiguous arguments; and the other noble lords who were satisfied as to the illegality, contended very unaccountably, he thought, against the bill of indemnity. Now he would ask any one of those noble lords, whether if he really thought ministers had done wrong, he would have voted for a bill of indemnity? From what he had

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heard that night, he did not think any of them would. A noble duke justified the measure by a reference to treaties; but the noble duke would find that the clause upon which his argument was founded, only allowed the landing of those Hessians in a case of necessity, which nobody ever mentioned to be the case. He wished much that this argument might be abandoned, because if not, it gave the king an absolute power to bring as many Hessians as he pleased, and land them when and where he pleased. The secretary of state had been clearer in his statement, with regard to the employment of these troops, but he never should have such implicit confidence in the present ministers, or any administration, as to allow to the king the prerogative of introducing into this country any number of foreign troops in peace or war, without the previous sanction of parliament, upon the mere assertion of ministers as to the manner in which they were to be employed. A noble earl had supposed the case of sickness or shipwreck, and had mentioned the coast of Sussex and the Isle of Wight; but this was a shallow pretext: a hundred thousand might be as liable to sickness as ten thousand, and thus we might have a very formidable army of sick Hessians landed in their way from one side of the country to the other. Much had been said about the impropriety of starting the abstract question; he was rather pleased that it was started, because he considered the illegality of the measure decided and admitted by all. For these reasons he would certainly vote for the bill.

The question being put, there appeared, Contents, 68: Proxies, 21—89. Not Contents, 11; Proxies, 1—12. Majority, 77.

Protests against the Rejection of the Hessian Troops Indemnity Bill.] The following Protests were entered on the Journals:

Dissentient.

1. Because "It is contrary to law for the crown to keep an army in this kingdom, either in time of peace or in time of war, without the previous consent of parliament." And it is essential, that this important constitutional principle (which was unequivocally admitted in the debate) should be for ever maintained inviolate in this country. And the friends of public liberty ought ever to bear in memory the admirable vote of the House of Commons, on the 5th day of May, 1641, when it was resolved, "That this house doth declare, that whosoever shall give counsel or assistance, or join in any manner, to bring any foreign force into the kingdom, unless it be by command of his majesty, with the consent of both Houses in parliament, shall be adjudged and reputed a public enemy to the king and kingdom."

2. Because the annual mutiny bill is a proof, that the crown cannot perpetuate or assume a prerogative, which parliament annually bestows; nor exercise at its own discretion that power, which the legislature specially limits.

3. Because it is a most dangerous doctrine, that the crown has a right (by virtue of an "undefined prerogative,") to do any act which is not warranted, either by common, or by statute law, under the frivolous pretence of its appearing to ministers to be useful. And the supineness of parliament, in the reign of king James the 2nd, when so many acts, notoriously illegal, were committed by the crown, and yet passed unnoticed by the two Houses, clearly proves, that, from the want of vigilance in certain parliaments, precedents may be established, subversive of the first principles of national freedom.

4. Because the maintaining of a foreign army on the establishment, or within the territory of this kingdom, is in open defiance of the very act of parliament, which settles the crown on the present royal family (namely the 12th and 13th of William 3d. chap. the 2nd.) which expressly enacts, "That no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized, or made a denizen, except such as are born of English parents) shall be capable to enjoy any office or place of trust, either civil or military." And the act of the 29th George 2. chap. the 5th, is a proof, that the legislature deemed a special act of parliament necessary, to enable the king to employ even a limited number of subaltern foreign officers in America, only under certain restrictions and qualifications.

5. Because "Foreign mercenaries have always been unuseful, or dangerous to those who employ them. Their conduct at first has generally been peaceable and ensnaring; at last, seditious and destructive. And those states, that have carried the points which they intended, by their assistance, have usually in the event, been enslaved by them."

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And 6th, Because a prerogative in the executive power, to introduce any number without limit, of armed foreign hirelings into any country, without the previous and express consent of the legislature, is totally incompatible with any form of a free constitution. For, not only that government is tyrannical, which is actually tyrannically administered; but that government also is tyrannical (however administered,) where there is no sufficient security against its being tyrannically administered in future. And I solemnly protest against a measure, which tends to endanger the rights and liberties of my fellow citizens, of whom I consider myself only as a trustee.

STANHOPE.

Dissentient.

1. Because, as it was in the debate unanimously admitted, that the keeping in this country troops, whether native or foreign, in time either of war or peace, without the consent of parliament, is unconstitutional. And as it was also admitted unanimously and unequivocally, that the troops in question are here upon grounds of fitness and expediency; and as the consideration of fitness and expediency, though they render, and, in fact, in the present instance do render, not only justifiable, but highly meritorious, do in no degree so change the nature as to make it more or less constitutional. This bill, though of a nature to be very sparingly adopted, yet was of particular propriety; for in a matter of great moment, it declared the law, saved the constitution, and did justice to the motives of the executive government.—Because the stopping of this bill leaves the troops here, without any consent of parliament.—Because the effect of the declarations by which the right of the crown so to keep troops here was disclaimed, however strong, general, and unequivocal, is yet transitory and fugitive; but the fact that troops are so here, is notorious and recorded; and when the motives which justified, and the declarations that reconciled to the House the measure, are forgotten, may be turned into precedent.

RADNOR.

Debate in the Commons on the Abolition of the Slave Trade.] Feb. 7. Mr. *Wilberforce* said, that there had been some apprehension by many that the motion he was about to make would go to the total abolition of the Slave Trade. His ideas went to that length, but the motion he should conclude with was confined to the prevention of any supply by us to any of the foreign territories with slaves. That was a part of the trade which in fact could hardly now be said to exist, and the main object of his motion was, that it should not be revived. He then moved, "that leave be given to bring in a bill for Abolishing the Trade carried on for supplying foreign territories with Slaves:" Also, "that this Motion be referred to a Committee of the whole House."

Sir. *W Young* thought the motion objectionable in various points of view: it was inefficient for the purpose professed to be in view by it; it was unequal in itself: it was dangerous in points of time and experiment; and finally, it was vexatious to merchants concerned in our West India trade. He was therefore bound to give it his negative.

Mr. *Whitbread* hoped the hon. mover would persist in his first resolution upon this subject for the total and immediate abolition of this abominable trade. It had been said, that the time was past for agitating this question, and that the danger was great. No time could be inconvenient; no danger could be so pressing as to allow the House to continue such gross injustice, as that which attended the slave trade.

Colonel *Cawthorne* avowed his intention of opposing every measure that had the smallest tendency to an abolition of the trade. When the disadvantages to private property, when the deficiences of public revenue, which such a measure would occasion, were considered, it demanded opposition. This was justifiable, both on patriotic principles and for the sake of individual security; but in the present case it was not necessary, because the proposition itself was nugatory. It was nugatory in the retrospect to the cessation of commerce between foreign colonies since the commencement of hostilities; it was nugatory, since the proclamation of French sentiments, and the confused condition of the French republic. Whatever were the pretended motives of religion, justice, and humanity, he suspected the real motives of the abolitionists were attributable to their disaffection. Long had that party betrayed symptoms of their hatred towards the constitution of this country. It was our duty to counteract the premeditated evil.

Mr. *Dent* remonstrated against the for-

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mality of a committee on this subject. The measure was so contrary to that policy by which this nation was supported and enriched, that none but enthusiasts could approve it. Already the slave trade which but two years since was so vehemently condemned, had been wrecked; and only a few of the partizans, that so eagerly embarked in it, were left to collect the disjointed materials. This was not a time for the prevention of the slave trade with foreign colonies, as many of our merchants must be ruined by it. Failures at Liverpool, to the extent of 300,000*l.* had already happened, some of which he suspected might have partly originated in the proposed abolition; more perhaps might follow, and our growing prosperity be thus unfortunately checked.

Alderman *Newnham* was determined to give his negative to the motion, as it implicated the ruin of individuals and the diminution of the supplies of the state. Hitherto we had evinced the necessity of securing private property, and now we were the first to invade it. Why should we emancipate those who had been proved to be in a better condition than the labouring peasants in this country? Much had been urged of the shameless barbarities of their inhuman masters. History had been traced back for more than a century to select the records of these abominable crimes; and what had been thus diligently searched for, was aggregated and exaggerated, to serve the purposes of enthusiasm, and delude the weak and pitying multitude. The same means would apply to render matrimony detestable. Every gentleman was aware, that, in the marriage state, which was dignified with the epithet of "blessed," there existed petty feuds, and resentful animosities. Every gentleman had read and heard of infidelity and punishment, of flagrant enormities, of men beating their wives, and wives injuring their husbands, of acts of violence, and not unfrequently of murder. Would any one, because these abuses have existed, maintain the necessity of abolishing the nuptial law? Slaves in the West-Indies were confessedly happier than in their native country, and experienced, in general, as mild and attentive treatment from their masters, as servants do in England. There was a mutual interest between the planter and the slave, which enforced compassion and duty. Let it be recollected that if the slaves in the British colonies were liberated, those of other nations would still be yoked, and wear their fetters. Actuated by these considerations, he should give his negative to the motion.

Colonel *Tarleton* considered the change specified as a dangerous interference with the trade, which he must oppose; because he thought it an unequivocal attack upon private property. As to the trade in question, if it had been to commence *de novo*, he should have no difficulty in declaring his decided opposition to it; but as circumstances stood at present, he must consider the measure proposed as a violent aggression upon property, which would produce the most serious consequences.

Mr. *Ryder* could not but express his astonishment at the reception which the present question had experienced. On the exposition of the bill brought forward last year, it had been said, that the destruction of a trade so very profitable was an innovation as dangerous in execution as it was absurd in policy; now, it had been laid down as an argument, that there was no trade, and therefore the bill was inefficacious and superfluous. He was not a little astonished at the inconsistency; but it did not end here; gentlemen had expressed no single objection to the theory of the bill, but that it was a measure fit to be pursued, and laudable, could it be done gradually; and upon this occasion it was opposed, though it was the first step towards that same gradual abolition. At that time the measures to be adopted were only partial; at present they were not so, but likely to be general. He must advert to another inconsistency, that we could regulate the trade better by, in some degree, approaching to humanity; but that other countries would not; we were therefore to continue ravaging and stripping a country of its inhabitants, bringing them into that situation in which they are liable to every disease, infection, and cruelty, because some other country which might think proper to enter into such a commerce, would be inclined to treat them with still greater severity.

Mr. *Lechmere* thought the present not a fit time to agitate the subject. The motion had nothing to do with the general question of abolition: but, as all Europe was in a state of confusion, it would be highly imprudent to adopt any untried expedient.

Mr. *East* said, that the motion was inconsistent with the previous resolution of the House for a gradual abolition of the slave trade, inasmuch as it went to an im-

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mediate abolition of part of that trade. This was not the time for any alteration in the compact with the slaves. When war raged abroad, and distrust and jealousy prevailed at home, it would be manifestly wrong to risk any additional evil. After a variety of attempts to accomplish an abolition of the trade, the measure had been over-ruled by a large and decided majority. To quiet the minds of gentlemen who had been inflamed or misled by notions of false humanity, some alleviation had been given, by the consent of that House to a gradual abolition. Yet but a short time had elapsed before the self-same propositions were made *de novo*, though brought forward in an assumed disguise; for exactly what those propositions were in substance, the present were in fact. He should give his decisive negative to the motion.

Mr. *Pitt* said, that the hon. gentleman who spoke last, had endeavoured to prove an inconsistency between the present motion, and the former resolutions of the House; he therefore wished to recall to their recollection what those resolutions were. The hon. gentleman had said, that the House had passed those resolutions on the principle of thereby setting the question of the slave trade at rest. He wished to know what the hon. gentleman could mean by that expression? Was it to be supposed, that the House meant, by passing a resolution gradually to abolish the trade, to do nothing else than pass the resolution, and never actually to abolish it? The House had negatived the motion for an unqualified abolition: but on what ground had they done it? It was thought by many that if the trade was so suddenly put an end to, serious mischief might be done to our West-India plantations; it was thought also by some, that however justice might call for the abolition of the trade, yet there were some opposing claims of justice also to be considered, and that on these grounds some time ought to be given; it being at the same time generally admitted, that the trade was of such a nature that it was not fit to be continued. Where, then, was the inconsistency of the present motion? The House having determined that the trade should be abolished, but having postponed the period of abolition till 1796, a motion was this day made to abolish immediately that part of the trade which did not respect our West-India islands, but which applied to the foreign islands only. It was also to be observed, that the foreign slave trade having actually ceased of itself, the motion was not so much a motion to abolish it, as to prevent its revival. The question was, whether we should suffer British subjects again to set on foot a branch of that trade, the whole of which the House had condemned as unjust? It was by no means inconsistent to abolish a part of that now, of which the whole was determined to be abolished two years hence. On the contrary, the measure now proposed might be considered as one step towards the gradual abolition that was agreed upon.—An argument against the motion had been attempted to be drawn from the proceedings on this subject now pending in the other House. In his opinion, the consideration of those proceedings led to the adoption of the present motion. Their lordships had, in point of fact, spent only four days in the whole of the last year in examining evidence. What were the reasons that induced them to bestow so few days on the examination of a subject which had so deeply engaged this House it did not belong to him to inquire. He must presume that their lordships had good reasons for the slowness of their proceedings; but if he assumed this to be the ease, he was only bound so much the more to vote for the present motion, the object of which was, to separate that part of the slave trade in question which was short and simple, and admitted of a more immediate decision, from that other part of it, which involved so long an examination. The proposition was one which all friends to the general abolition must agree to, and in which many even of its enemies might join, without any impeachment of their consistency.

Mr. *Peel* opposed the motion. He admitted, that when humanity was opposed to interest, the latter ought to give way; in the present instance, however, he was of opinion, that the natives of Africa were not yet sufficiently matured by civilization to receive their liberty and freedom; and that emancipating those who were not sufficiently enlightened to understand and feel the blessings of liberty, would be like putting a sword into the hands of a madman.

Mr. *W. Smith* supported the motion, and in answer to the observation relative to the danger of the negroes being put to death if we did not purchase them, stated, that the minds of the negroes had already become more tractable since their

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condition had become an object of parliamentary discussion, that those of the traders had been meliorated, and that less murders were committed even on their own coasts than formerly.

Mr. Wilberforce replied. After which, the House divided:

Tellers.

Yeas	Mr. Ryder Mr. Whitbread	63
Noes	Colonel Tarleton Mr. Dent	40

Leave was given to bring in the bill.

February 25. On the order of the day for the second reading of the bill,

Sir *W. Young* said, that, though he had last session supported a bill to the same effect, yet in the present instance, he felt himself bound to oppose it; the circumstances of the question were, he thought, entirely changed since the abolition of colonial slavery by the French Convention, and the measures lately pursued in the French islands. He reprobated the doctrines of the humanity and policy of the abolition, which he considered as wild and visionary opinions, unfounded in themselves, and destructive to the commercial interest of Great Britain. Already the evils complained of in the slave trade were at an end, the transportation to the French West-India islands had abated since the war, and during the war it was impossible the trade could rise again. If the present bill passed, he feared that other bills must follow, which would greatly impede and confuse the merchants. He concluded with moving the second reading of the bill on that day six months.

Alderman *Newnham* should give his negative to the motion, because it could be of no avail, as the principal part of the foreign trade had been already suppressed by the effect of the war. When he considered the immense property embarked in the West-India trade, and the serious consequences which must follow if that trade were lost to this country, he could not suppress his astonishment that gentlemen should wish to hazard so much without the certainty of gaining any thing; because the cause of humanity would not be served by it: on the contrary, the trade would be carried on by others, and not one negro the less would be brought from Africa.

Mr. *Burdon* felt himself bound, as a man, a Briton, and a Christian, to give his support to a bill which tended in some degree to abolish a trade, founded on injustice and inhumanity.

Mr. *Vaughan* said, he had always been surprised how any British colonist could object to the cessation of that part of the trade which went to the supply of foreigners with slaves. He thought it somewhat extraordinary, that any British colonists should be anxious to raise up rival colonies to supplant themselves. His surprise was not the less to find that the present state of things among the French islands was thought a new motive for us to continue to supply foreigners with slaves. While the French slaves were in a state of convulsion, it was very extraordinary to wish, by pouring in fresh slaves among them, to add fuel to the fire, and give them fresh reinforcements of mutineers; for such would the newly-imported slaves become. His West-India friends had deprecated discussion in their own meetings, though they allowed, by their reasonings, that the matter was already spread abroad in the colonies. For his own part, he wholly disregarded the fear, that the minds of the negroes were in such a state of dangerous excitement, that we must not appear to give way upon any one part of the slave question. The votes of that House and other symptoms of the public feeling, were already known to the slaves; and as the Lords would soon have to pronounce aye or no on the principal question, little would be gained by temporizing and delay on this secondary question. He then referred to the fate of the mulatto question among the French, to show that a contrary conduct to theirs would be policy in our case under present circumstances; and that we ought, as soon as possible, to put the free mulattoes and free blacks on our side, and at the same time to encourage small settlers, and endeavour to soften the manners of the mulattoes and blacks. To the principle of the bill, therefore, he avowed himself a friend.

Mr. *East* contended, that this was rather a bill of abolition than of regulation, because it went to destroy the larger branch of the trade, that to the foreign islands. In the smaller islands the operation of it would be particularly felt as a grievance, as the merchants had plantations in each little island, and were frequently obliged to transport their slaves from one to the other, as circumstances

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might require. Whenever occasion to do this should occur in future, they would be obliged to make application to the governor for a licence, and then it would be a matter of option with him either to grant or reject it Though we declined the trade, we must be aware that the Dutch and Spaniards would not forego it; and what advantage could possibly arise from throwing up the trade into the hands of others, who might treat them with much more cruelty? The poor negroes, from benevolent friends, would be transferred to hard task-masters.

Mr. *Barham* said, that no good argument had been adduced against the proposed regulation. The old hackneyed assertion had been brought forward, that if we gave up the trade, other powers would take it up. What did this amount to, but a declaration, that we ought to continue what was wrong, in order to keep others from doing worse; a proposition the reverse of every principle of morality.

Mr. *Jenkinson* thought the bill highly dangerous, considering the state of the West-India islands, and the nature of the decree of the National Convention of France relative to their slaves. What good effect could the bill possibly produce, since it confessedly could not operate during the continuance of the war?

Mr. *Fox* said, that as the hon. gentleman who spoke last admitted the trade proposed by this bill to be abolished for ever, had now no existence, it would be impossible for him to maintain with any consistency the impropriety of this bill. Because, if the trade had no existence at present, the question was, whether we should revive it? The trade now having no existence, what became of all the arguments they had heard concerning the mighty capital embarked in it, the sanction which parliament had given, from time to time, to its continuance, the violent attack on private property, the injury to commerce, the danger of innovation? All these arguments, if arguments they could be called, were fled; nothing now remained, but for parliament to take care that, having fled, they should never return. This was essentially and emphatically their duty; because, if parliament should now remain silent upon the subject, the friends of the trade, on attempting to revive it, would say, that not having taken measures to prohibit the revival when the trade was dead and consequently no injury could arise to any individual, they had acquiesced in its principle, and held out encouragement for others to adventure when an opportunity should offer; and then again it would be attempted to be proved, that parliament had pledged itself to support this abominable, this execrable traffic. Having said this, he came to notice the determination of that House to abolish the slave trade gradually, and the period at which the House had fixed the final abolition of this trade, namely, the 1st of January 1796. Of that resolution he considered the present bill a material part, and the House in pursuing it did nothing more than hold out to this country, to Europe, to the world at large, that they were sincere in their intention. He trusted also that the hon. gentleman who first brought forward this subject, would not abate in his zeal for the glorious cause in which he had engaged. Perhaps it might not be absolutely necessary in this session, but, sure he was, that the agitation again in that House, of the general question of the total abolition of this detested traffic, should not be delayed beyond the next; for he was clearly of opinion, it could not be too frequently agitated. In what state was this great question at the present moment? He would not speak with disrespect of the House of Lords, but, surely, if this question had, from the multiplicity of business before their lordships, not received their determination it could not be improper for the House of Commons to be vigilant, and to remind their lordships of the subject. The House would recollect that the Lords had received the resolutions of the House of Commons on the subject of the slave trade in April 1792. What progress their lordships had made in the subject he could not find, but he had understood that their lordships had that very day farther postponed the consideration of the slave trade to that day fortnight. Therefore, if the Lords delayed this question, if they shunned it, if they shrank from it, if they shifted or neglected it, the House of Commons ought again and again to remind them of it. He did not accuse their lordships of any sinister intentions upon this or any other subject; he had too much confidence in their integrity, their justice, their humanity, and their prudence, to suspect them of any intention to prevent the abolition of so foul a trade.

Mr. *Pitt* said, that the wild and improvident measure that had been adopted

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by the French, of giving liberty to the slaves in their islands, was the strongest possible argument that could be advanced in favour of the present bill. It was argued, that that example was likely to spread danger in our West-India islands. That was by no means the case; for, who were the most likely to mutiny, those that had been in our islands for some time, or those that might lately be imported? Most unquestionably the latter. The question of a general abolition was an additional argument in favour of this, as it went to the complete prevention of mutiny, since it was acknowledged, that those that were recently imported were the most likely to rebel. But, applying the arguments of the gentlemen to the question as it then stood, what apprehension could be entertained? If it were admitted that in proportion to the number of slaves in our islands, the danger of mutiny was increased, what policy was it to increase their number to which the effect of those principles that appeared to be apprehended was applicable.

The House divided:

Tellers.

Yeas	The Lord Muncaster - Mr. Serjeant Watson -	56
Noes	Sir William Young - Mr. Cawthorne - - -	38

Debate in the Commons on Mr. Palmer's Petition respecting his Sentence.] Feb. 24. Mr. *Sheridan* rose to present a Petition from the Rev. Thomas Fysche Palmer, an unfortunate gentleman who some time since was fellow of Queen's College, Cambridge, and was at present on board a transport, for Botany Bay, in consequence of a sentence of transportation passed upon him for sedition by the high court of justiciary in Scotland. The petition stated, that the sentence was "illegal, unjust, oppressive, and unconstitutional;" and prayed such relief as the House in its wisdom should see fit to afford. As far as he (Mr. S.) had been able to examine the sentence, his opinion, with regard to the illegality of it, was precisely similar to that of the unfortunate sufferer.

Mr. *Pitt* said, this was a petition against the sentence of a court of justice, solemnly and deliberately pronounced; it appeared to him to be of a most extraordinary nature, and one which he should hold it his duty in the first instance to oppose; for there never had been, as far as his recollection served, an instance of an application to that House, to interpose its authority between the judgment and the execution of a sentence pronounced by a competent court; the proper and regular mode of application for mercy would be to the crown. If it could be shown that the judges had acted either illegally or unjustly, the House of Commons might interfere by an address to remove them, or by an impeachment. But in this case a man, tried, convicted and sentenced by a competent tribunal when the sentence is about to be carried into execution, applies to the House of Commons to travel out of their province, and interfere with the duties of the executive power: after sentence was passed, all that could be given him was mercy, which was vested solely in the crown by the constitution of England. He considered the motion equally unprecedented and improper.

Mr. *Fox* said, he hoped the right hon. gentleman would not persist in his objection. The right hon. gentleman had observed, that no appeal lay to that House to prevent the execution of a sentence, though complained of as illegal, unjust and unconstitutional. It might be possible that he (Mr. F.) had totally mistaken the British constitution; but if he had not, he would maintain, that it was a principle universally admitted that a petition might be presented to the king in parliament, in other words, to the legislature, against the decision of any court of justice from which there was no appeal by law to any court of judicature. In pursuance of this principle it was, that, on the opening of every session, the House appointed a committee upon courts of justice, which was always considered to be sitting and exercising a perpetual and vigilant superintendency over all the inferior courts, that the people might know that their representatives were ready to receive complaints for which redress could be obtained in no other place. In the case set forth in the petition, the House well knew that there was no appeal to any judicial court; they could not therefore refuse to take the petition into consideration without deserting their duty. And it was certainly high time for the benefits of the English laws to be extended to all parts of the United Kingdoms, when it had been determined that there lay no appeal from the court of justiciary in Scotland to the House of Lords in England. If they were also

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exempt from the appellant jurisdiction of the House of Commons, what remedy was there for the utmost possible abuse of the principles of justice in their proceedings? Supposing that, after sentence was pronounced, the House of Commons had been applied to by petition, stating unanswerable allegations of fact, to interfere and reverse it in the case of lord Russel or Algernon Sydney, he fancied it would have startled even the men in power of those times if they had been answered as they were, "We acknowledge that the judgments against them are illegal and unjust; but it would be unprecedented in us to interferfere while the sentence is in process of execution. Let them be beheaded, and then we will reverse the sentence completely fulfilled." The chancellor of the exchequer had said, that an application to them in their legislative capacity was irregular and improper: in such a declaration the right hon. gentleman had been mistaken; in the present case it was to be observed, that it had been decided, that no appeal lay to any superior court of law, consequently no alternative remained for a man complaining of the illegality of a sentence, but a petition for its reversal to the legislature. A petition to his majesty for mercy was of a nature totally different; it generally set out with admitting the legality of a sentence, but prayed an abatement on the ground of mercy. The only resource, as far as he could see in the present instance, was the one that had been taken. And whatever might be the opinion of the right hon. gentleman with respect to the particular merits of the case, he trusted that he would not attempt to give so deep a wound to the constitution as refusing to hear it would certainly be.

Mr. *Pitt* said, he believed there was not a single instance of such an application to that House. He admitted that it was the duty of parliament to inquire into and rectify the abuses of the courts of justice. But in what manner? not as a court of appeal, but as a court possessing the power of inflicting censure and punishment on those who abused their judicial authority. To receive such a petition as that offered would form a precedent for making parliament a regular court of appeal, and confound the legislative and judicial functions, the distinct separation of which had been justly held to be one of the greatest advantages of the British constitution? The proper, and indeed the only regular mode of proceeding, would be by moving to impeach the judges by whom the sentence had been pronounced. At the same time he did not at present wish to deliver any decided opinion upon the subject not having formed one. His only anxiety was that substantial justice should be done, and as this was a point of very great importance, of which no previous notice had been given, and as he wished to examine more into the precedents on the subject, and not to hazard a rash opinion, he trusted a motion he should propose would meet with no opposition, viz. "That the debate be adjourned till Thursday or Monday; but as Thursday had some business allotted to it, and was rather too early, till Monday the 3d of March." This he expected would meet with general approbation, as no doubt gentlemen on both sides would wish to consider more deliberately a point of such momentous importance.

Mr. *Fox* would not oppose the question of adjournment, because the point undoubtedly called for mature consideration. He was not prepared to state what precedents might be found, which would support an application to that House for its interference for the suspension of execution of judgment after sentence passed; but undoubtedly there were precedents for reversal of judgment after execution: and a man must be of a very curious turn and composition of mind, who would support the one and resist the other. He did not imagine that his hon. friend would object to the delay, as no doubt he would wish to have before him all the knowledge which could be collected on the subject.

Mr. *Pitt* said, that as the interval before Thursday might be too short a time for maturely considering the question of the petition, he should wish the debate upon it to be adjourned till Monday next.

Mr. *Sheridan* said, after the good effects that had arisen, or rather were likely to arise in the present instance from reconsideration, in consequence of what had been said by his right hon. friend (Mr. Fox) he could have no manner of objection to the adjournment.

Mr. *Francis* wished to call the attention of the House to a point, which though of importance, had been overlooked by gentlemen on both sides, viz. the actual situation of the unfortunate petitioner. He hoped his majesty's ministers would not put in execution the sentence till the petition had been discussed; and by that

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means deprive the petitioner of all possibility of benefit or advantage from the result of the discussion.

Mr. *M. A. Taylor* said, that, after the great doubts that had been entertained by persons competent to give an opinion on the subject, both with respect to the relevancy of the libel, and the legality of the sentence, the execution of that sentence ought to be suspended till the House had come to some decision on the various relative points in question. Antecedent to that, it would be indecent in ministers to suffer a single step to be taken towards the execution of the sentence. Mr. Taylor said, that it was not a few whispers, as had been insinuated, but the serious doubts of many men of great repute in the law, that had been held, of the legality of this sentence, which ought to weigh in the minds of the House. He could not therefore agree to the adjournment, without first receiving some assurance, that the execution of the sentence should be postponed.

Mr. *Dundas* begged the House not to adjourn with an impression on their minds that government intended the smallest delay in the execution of the sentence. As far as concerned him, the sentence had been carried into execution some time, for the warrant for the transportation of Mr. Palmer had passed the council board, and he, with other convicts, was already received on board the transports appointed to carry them to their place of destination. If the execution of it were to be delayed in consequence of such a petition as that offered to the House, applications of the same sort might be expected from every other person in a similar situation with Mr. Palmer. The opinion of the hon. gentleman (Mr. Taylor) upon the legality of their sentences, had been given as a matter of authority: they were not, however, to be directed by presumed authority, but by reason; and therefore he should consider it as no other than the hon. gentleman's own opinion, against which, with great deference to him, he was ready to oppose his own; for he had not yet heard a single argument which had induced him to alter an iota of those sentiments which he had declared in that House to be the sentiments that he entertained on the subject, when it had been first alluded to, and which he was ready to support, whenever gentlemen should be disposed to bring forward the discussion; viz. that the sentence was legal; and that the court of justiciary, in passing that sentence had exercised a sound discretion. He condemned the conduct of gentlemen on the opposite side as unnecessarily tardy and procrastinating, since they had neglected the business they had undertaken for so long a time, and now called upon him to stop the execution of the sentence. If they had been so eager, and in any expectation of obtaining the interference of the House to have the sentence respited, they might have offered the petition at any former time since the meeting of parliament.

Mr. *M. A. Taylor* said, that where a petition for mercy was presented to the king, it was always customary to suspend the execution of the sentence till the petition had been decided upon. Surely the same rule ought to be observed where a petition was presented to parliament complaining of a sentence as illegal.

Mr. *Adam* said, it afforded him some satisfaction, that the chancellor of the exchequer had not persisted in the hasty rejection of the petition which he had first suggested. Let that right hon. gentleman recollect that this case of Mr Palmer was a case in which there was no appeal to any court of law, and that parliament was the only place to which the petitioner could look for redress. The petition was of so much importance, that, with all the inconvenience to which he must expose himself, he would defer making the motion he intended to have made that day until the House had decided upon it. He wished, however, to obtain that decision on Thursday the 27th, because the transport in which Mr. Palmer was embarked, waited only for a convoy. If the transport should sail before the decision of the House upon the petition, there would be no occasion to search for precedents; for it would not then be an application for the interposition of the House between sentence and execution, but for the House to reverse a sentence after execution.

Mr. *W. Smith* said, that to deliberate on Mr. Palmer's petition, and in the mean time to suffer his sentence to be executed, would be a mockery of justice.

Mr. *Fox* felt himself particularly interested in the turn which the debate had latterly taken. He had not paid any visit to Mr. Palmer, whom he had never seen; but had conversed upon his case with gentlemen who had at different times had interviews with him. Though he main-

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tained the power and the duty of parliament to superintend and control the juridical proceedings of other courts, yet he thought it prudent to resort to that control in cases of necessity only. As his hon. and learned friend (Mr. Adam) was about to bring in a bill for allowing an appeal from the court of justiciary to the House of Lords, in which the committee would be instructed to give it a retrospective operation on all the sentences of the year 1793, it might be best to wait for the chance of an appeal to the regular supreme court of justice. Of the subsequent delay he could say nothing. A petition little more than four weeks after the meeting of parliament, was presented tothe House. Ministers desired time to consider of that petition; and it was at least incumbent upon them to suspend the execution of the sentence, as long as they themselves required to consider of a petition complaining of the illegality of the sentence. A secretary of state, if a petition had been given him to present to his majesty in behalf of a condemned criminal, and he had doubted of the propriety of presenting it, certainly would not hesitate in delaying the execution till his doubts were satisfied. He had no reason to expect at the time that his friend's motion would be so readily disposed of, and he was not sure that the advice he gave might not have influenced in some degree the conduct of Mr. Palmer and his friends in drawing up the petition; that as little time as possible might be lost, he moved that the debate be adjourned to Thursday the 27th.

Mr. *Adam* declared, he spoke without the least knowledge of the unfortunate persons on board the transport. He spoke independently of every consideration, except that of his duty as a member of that House, and in that view it did seem to him that this was a question on which the House ought not to hesitate a moment, either to agree to delay the sailing of the vessel, or to take the subject into consideration as early as possible.

Mr. *Whitbread* sen. called the attention of the House to the peculiar case of the petitioner, which, he said, was an object well worthy their serious consideration: Mr. Palmer was a man descended from one of the most ancient families of the county of Bedford; and the unfortunate situation in which he was placed, had been the cause of inexpressible grief to his numerous friends; even supposing the sentence pronounced upon him legal and just, a question upon which he felt himself by no means competent to decide, he was nevertheless an unfit object of prosecution and punishment being considered, all his life, a man somewhat deranged in his intellects. He believed from his heart the petitioner had no evil intention against the government of this country; and he was firmly persuaded that any twelve gentlemen of Bedfordshire, who knew him, and were summoned on a jury of lunacy, would bring him in insane. He thought it his duty, as a member of parliament, and also in compliance with the applications of the friends of Mr. Palmer, to give the House this information, which fell within his own particular knowledge.

Mr. *J. Smith* said, he should vote for the earliest day, because, under all the circumstances, that appeared to him to be the best. But he could not help making this observation—If the principle maintained by the secretary of state was carried to its full extent, the sentence of the court of justiciary must be executed, even if it should be death; and the only remedy to be allowed to the person complaining, was, an inquiry into the justice of his sentence after his execution. He wished to know whether there was in nature any thing more absurd than such a proposition.

The question was then put upon the amendment, and the debate upon Mr. Palmer's petition was adjourned to Thursday.

Mr. *Whitbread* said, that the chancellor of the exchequer having declared, when the petition just disposed of for the present, was presented, that the time was too short, as first proposed, for its consideration, he could hardly now think of putting the sentence against the petitioner in execution before the debate on the petition was determined. He hoped his majesty would stop the transport from sailing until that event should be over. He would therefore move, "That an humble address be presented to his majesty requesting that his majesty will be graciously pleased to give directions for preventing the said Rev. Thomas Fyshe Palmer being sent, in the transport on which he is now on board, till after Thursday next."

The *Master of the Rolls* thought there was no one ground on which that House could, with propriety, adopt such a measure. There was nothing on the face of

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things that distinguished the case of Mr. Palmer from the case of any other convict. In the situation in which the House then stood, they knew nothing of Mr. Palmer or his case, at least they had nothing before them as a foundation for moving such an Address. He could not, for his part, see any distinguishing feature between his case and that of any other convict. Besides, he had not understood that any proper application had been made to the crown, whose undoubted prerogative it was to exercise mercy, when it found fit objects.

Mr. *Fox* observed, that there was one difference between the case of Mr. Palmer and the other convicts, who had not stated their case to the House; Mr. Palmer had. The question now was, whether the House, having adjourned the consideration of the petition, would not give the object of it an opportunity of benefiting by that discussion, if the result of it should be favourable to him. He had no difficulty in saying, that if there was nothing more than that question before the House, and independent of any merits whatever, he should give his vote for the motion.

Mr. *Ryder* could not see any reasonable grounds for the motion. As to the particular situation in which the House stood, they had said indeed, that the question on receiving the petition was doubtful, but they had not said that the matter now before them should be considered at all. Gentlemen now came forward with a motion for an address to the crown, just at the time the sentence was under execution. The petition was signed three weeks ago; why was it not presented before? What reason was there for this, unless it was done with a view of gaining a little time? This was something like the conduct of certain creditors of an hon. gentleman, who arrested him after an order went from the secretary of state, under the authority of the alien bill, to quit the kingdom; this made it necessary for the ministers of the crown to introduce a clause into that bill, to put an end to such practice. There was no instance he believed, of presenting a petition, the prayer of which was to suspend the execution of a sentence. As well might any person convicted at the Old Bailey make a similar application. The House had never entertained any doubt of the legality of the sentence on Mr. Palmer.

Mr. *Adam* said, the extraordinary interposition, if there was any, came from gentlemen on the other side. They would not pretend to say that they were ready to decide whether or not the petition ought to be received, much less, whether or not, if received, the prayer of it ought to be granted. What, then, was the drift of their arguments? that the petitioner, whether well or ill founded in his application to the House, should desire no benefit from it. The right hon. gentleman should have recollected, that he had taken the earliest opportunity, after the meeting of parliament, to give notice of his motion. His respect for courts of justice made him cautious of bringing any charge against their proceedings without mature consideration. He had then abstained from all animadversion on the legality of the sentence, and he should do so still, unless goaded by such observations as he had just heard.

Mr. *Pitt* said, that the interposition which he had used, was nothing more than what his duty, as a member of that House, obliged him to; he was bound to give his opinion on what he thought the properest mode for the House to conduct itself on any point which came before it; this opinion of his had been unanimously adopted. How could this, then, be termed interposition? The same sense the hon. gentleman had used with regard to the motion now before the House. In that the House were called on to interpose; not in the ordinary course of their duty, but in a matter perfectly extraneous. The effect of agreeing to the present motion would be to give to the public an impression that the House doubted the legality of the sentence, at a time, when, for any thing they knew, much of the internal peace of the country might depend on no such impression going forth.

Mr. *Sheridan* stated to the House, that, in company with a noble lord, and another gentleman a member of that House, he had long ago paid a visit to the gentlemen so severely condemned by the court of justiciary, on purpose to gain such intelligence of their condition as might operate towards the attainment of a reversion of their sentence. After this visit they waited on the secretary for the home department, and represented the illegality of the sentence, the oppression it inflicted, and their determination to bring forward a parliamentary enquiry upon the subject. They then requested

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some suspension of the severities they were condemned to suffer until they were able to determine upon the competency of the court of justiciary, whether an appeal did not lie to a supreme court of judicature, or whether some revocation could not be established. Mr. Palmer had since presented a petition to his majesty. Was that petition referred to the judges, or had the report of the judges upon it been signified to Mr. Palmer? Those who had interested themselves in Mr. Palmer's case had omitted no mode of obtaining relief. It was very confidently reported, that although sentence was passed, yet there was good reason for believing that a sentence so abhorrent to the very spirit of our law, would not be carried into execution. Upon these grounds it was, that the business had been delayed until it was actually proved that every hope of lenity was unfounded. Let gentlemen recollect that the measure, which had now been judged as criminal, was instituted formerly, and promoted by those very persons who now pronounced that judgment. Instead, therefore, of punishing a few individuals with such unremitting rigour as they had done, they ought to be thankful that the whole country had not risen up in arms to enforce them to their first solemn and repeated promise.

Mr. *Anstruther* said, that all that parliament were at present informed of was, that Mr. Palmer was convicted of sedition, and being now on the point of receiving the sentence due to that crime, had petitioned the House on its legality and justice. This petition the House thought so novel in its nature, as to require time to consider of the propriety of receiving it. If, however, it had been received, it could not have been considered that day, and the same argument would then have applied for delaying the execution as at present. The consequence, therefore, of this doctrine would be to enable any convict to delay his own sentence. The responsibility of ministers in this case was exactly what it was in every other, and no more. As he could not see the least reason for delaying the sentence, he should of course oppose the motion.

The Marquis of *Titchfield* said, that since the petition was to be accepted, he thought the sentence ought to be suspended, if it was urged by no other arguments than the dictates of humanity.

Mr. *Wilberforce* ridiculed the idea of humanity as applying to Mr. Palmer, although he had not read his trial. He thought the whole business suspicious, because Mr. Adam had postponed his motion, which motion alone appeared capable of giving them full information on the subject. He declared upon his conscience, that he did not conceive the sentence ought to be suspended.

The House divided; Yeas 34: Noes 104.

Feb. 27. The order of the day being read, for resuming the debate on the question for receiving Mr. Palmer's Petition,

Mr. *Sheridan* said, he understood the chancellor of the exchequer was now ready to consent to the receiving this petition. Indeed, the question was so plain, that the petition ought to have been brought up at once and read. He had found several precedents exactly in point, but it would be unnecessary for him to detail them all. He mentioned, however, the case of an individual as being exactly in point with the present petition. This man was convicted before the recorder, and was ordered to be three times piloried. The parliament ordered the proceedings in this case to be laid before them, declared them to be illegal and oppressive, and reversed the sentence. Their standing committee of courts of justice, he said, was a mockery upon the country, if the subject had not a right to apply to that House for a redress of grievances when he conceived himself injured by the administration of justice in any of the courts of the kingdom. He therefore pressed it to the consideration of the chancellor of the exchequer, whether it would not be well to assent to the production of the record in the case of Messrs. Muir and Palmer, in order to enable them to discuss the merits of that business the more fully. He concluded with moving, "that the Petition be Committed."

Mr. *Pitt* did not object to the motion, but the inconvenience which would result from the House taking up the case of every individual who might petition against the execution of his sentence must be obvious; he, however, admitted that, on communicating with others upon the nature of this case, he found there were grounds for bringing up the petition.

Mr. *Fox* said, he was exceedingly alarmed when a doubt was expressed as to the propriety of receiving this, or any

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petition that stated a complaint of a sentence, or any part of the proceedings of a court of justice. The right of petitioning in that case, and the duty of the House to attend to such a petition, were so clear, that he wondered they ever could have been questioned. The doctrine on that subject was so indisputable, and so well exemplified by the conduct of the parliament which sat in 1641 (a parliament which, in the early part of its proceedings, did more good to this country than all the rest put together), and which was almost exclusively occupied in receiving, deliberating and deciding on such petitions as that of Mr. Palmer, that a doubt on such a question at the present moment excited his astonishment. So far was it from being doubtful that parliament should attend to the petitions of individuals, complaining of the injustice or the irregularity of their sentences, that almost all the numerous cases in which parliament interfered, and corrected the proceedings of courts of justice, were necessarily the cases of individuals. The Long Parliament, however faulty it might have been, had, in this respect, rendered the most essential services to their country, by receiving and attending to the petitions of persons conceiving themselves aggrieved by the decision of the star chamber. The parliament had not only received these petitions, but had in many of them, either reversed the whole proceedings or the sentence, as appeared necessary, and compensated the sufferers.

The Petition was then read.

Poor Removal Bill.] Feb. 27. Mr. *East* moved for leave to bring in a bill "to prevent the Removal of Poor Persons to the place of their legal settlement until they are actually chargeable." He said, that this was a subject on which he should have entered rather with hesitation, as so many able men had before failed in their attempts in it, did he not know, that since those attempts had been made, some changes had taken place that would give him better ground to stand on. He said, that in consequence of the unfeeling neglect of officers, and the rigorous exercise of the powers of overseers and churchwardens, many unfortunate creatures had died by being removed while in a state of health unfit for it. The bill he proposed to bring in was intended to enable justices, on seeing persons unable to move, to suspend their removal till they were fully able to proceed. The 13th and 14th Charles 2d enabling justices to remove the poor from parish to parish, gave a great latitude to magistrates to indulge caprice or passion, in cases where objects came within the letter, though not the contemplation or spirit of those laws, but particularly where (as almost every day happened) a person was getting an honest livelihood in another parish by industry or ingenuity in any art, or at any species of labour not in request, or to be had in his own. In such cases great hardships were endured; in the first place, by the object himself, in being forced from an honest, profitable livelihood to a state of bare dependent subsistence; in the next place, by the parish to which he was removed, in being thus loaded with an unnecessary portion of expence; and, in the next place, by society and the country at large, in being thus deprived of the person's contributive share of labour, and the advantage to be derived from it. To his knowledge, there were many magistrates who, though very desirous to mitigate the rigour of those laws in the instances he alluded to, thought themselves incompetent to do so, and imagined, from the wording of the acts, that there was no discretion vested in them to exercise their judgment in the interpretation of them, or to take into their consideration whether the person was likely to become chargeable or not before removing him. No risk, he said, could possibly be incurred in urging this remedial experiment; for it had been tried before, in the 1st and 2d William 3d. There it was enacted, that the person should be permitted to remain, on his getting the officers of his proper parish to certify that he belonged to it; but it was found too difficult to prevail on parish officers to do so; for they generally thought it hard, that when another parish was perhaps for thirty or forty years reaping the benefit of the person's labour, that they should be burthened with his support and maintenance in the time of his old age and infirmity; and thus the provisions and salutary intention of those acts were completely frustrated.

Leave was given to bring in the bill.

*Petition of Mr. Christopher Atkinson for expunging from the Journals the Resolution for his Expulsion.**] March 3. Mr. *M. A. Taylor* rose, to present a Petition from

* See Vol. 24, p. 89.

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Mr. Christopher Atkinson; the prayer of it was, that the House would expunge from their Journals, the resolutions they had made for his Expulsion. Mr. T. stated the grounds which called for the present application, and explained the object of it. Mr. Atkinson having formerly considerable business with the victualling board, in supplying them with corn, had been accused in the public prints of various mal-practices, and these accusations had all been signed by a man of the name of Bennett. Mr. Atkinson intending to sue Bennett for damages for having libelled him, made an affidavit, which was a necessary measure previous to filing his bill, wherein he swore he had never made any other advantages than what the board allowed him. Upon this affidavit, which had been drawn by very eminent attornies and revised by the late lord Ashburton he was afterwards indicted for perjury, and convicted in 1781. The attorney-general of that day likewise filed a bill against him in the court of exchequer, to force him to account for those sums of which his conviction supposed him to have defrauded the public. In consequence of this proceeding a minute investigation into the long detail of his accounts took place, and the result was a very honourable acquittal of all imputation of fraud, by the concurrent testimoy both of the bench and the attorney-general. He suffered the punishment inflicted by the sentence of the court before which he was convicted, but afterwards applied to the mercy, or rather the justice, of the crown, and received a pardon, which did away all legal incapacities which his former conviction and sentence imposed on him. The present was an application to that House, to rescind the vote of expulsion they had passed upon his conviction. Mr. T. said, he intended, for the present, merely to bring up the petition, to have it referred, on a future day, to a committee, to report on the merits of the case.

Sir *Francis Baring* opposed the motion stating as a reason, that the transaction itself bore the strongest marks of fraud and enormity, with the slightest veil thrown over it. He cursorily enumerated the particulars of the case, and gave it as his opinion that Mr. Atkinson had been justly convicted.

The *Master of the Rolls* had no objection to receiving the petition, but was against any other proceeding to be had upon it. He considered Mr. Atkinson ill-advised in his present application, as it was forcing a discussion of the merits of his case in that House, which had not been done before; their former vote of expulsion being merely a matter of course. The present application was, besides, useless, because Mr. Atkinson's pardon from the crown having restored him to all his former rights, the vote of expulsion in a former parliament did not prevent his sitting in the present.

Mr. *Bearcroft* argued with great zeal in favour of Mr. Atkinson, whose affairs, he said, had been very unfortunate, and greatly misrepresented. He disclaimed any imputation on the judge and jury who condemned him, and thought the case widely altered since the judgment in the exchequer, in consequence of which he had received from the crown a full pardon: This pardon might be pleaded in every court of law, and was conclusive in his favour.

Mr. Alderman *Curtis* conceived the case of Mr. Atkinson to be too enormous to allow of the bringing up of the petition.

Mr. *Pitt* wished it to be understood, that, although he had a leaning as to the merits of the case itself, he abstained from saying a syllable as to the tendency of that opinion. By acceding to this motion, the House stood pledged for nothing either one way or the other.

Mr. *Francis* gave his assent to the motion, merely on the general ground of supporting the right of the subject to petition the House, let its decision ultimately on the merits of the case be what it might.

Ordered to lie on the table.

Bill for the better Observation of Sunday.] March 6. Mr. *Mainwaring* brought on his promised motion, respecting the due Observance of the Sabbath. He said, that the act of the 29th of Charles 2nd, which annexed penalties to the breach of that day, was found inefficient for the due enforcement of its provisions, on account of the difficulties that lay in the way of its execution. He would be as far as any man from exacting a rigid execution of any penal law; but he thought it material that divine worship should be more punctually attended to than it was. The act he alluded to was defective in this, that it did not vest sufficient authority in magistrates to carry its provisions into effect; for the sum of five shillings was the penalty to be levied on the offending person,

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one third of which only was to go as a reward to the informer or prosecutor. He put it, then, to the House to consider, how very inadequate an inducement the third part of five shillings was to any man to take upon himself the trouble of seeing the law carried into effect; and he would propose to amend that act, by enabling magistrates to pay the prosecutor his expences. He then adverted to a manifest breach of the sabbath, which seemed to have the sanction of the generality of the people. He meant the case of the journeymen bakers, who, for the whole week had not less than nineteen hours of the twenty-four employed, and of course could have no time to devote to the service of their Creator but Sunday. He thought therefore, as it had been insisted upon that the people would suffer from their not baking on Sundays, that at least a specific portion of that day (suppose from ten to one o'clock) should be allotted to that purpose. He therefore moved for leave to bring in a bill "to explain and amend the act of the 29th Charles 2nd, intitled, 'an act for the better Observation of the Lord's day, commonly called Sunday.'"

Mr. *Joliffe* conceived the proposition was absurd, and would be nugatory. It was absurd to propose that the bakers should be compelled not to work, as an exemption from a hardship, when they had it in their own power at present to relieve themselves from that hardship, if they considered it to be one, since there was no law which compelled them to labour on that day. He imagined that the next step would be to prohibit roasting and boiling on Sundays, from which the next gradation would be easy enough, namely to prohibit eating.

The motion was agreed to.

Debate on Mr. Whitbread's Motion for a Separate Peace with France.] March 6. Mr. *Whitbread* rose, to call the attention of the House to the various Treaties which had been entered into since the commencement of the war. It was not his intention to dispute that part of the prerogative by which the crown was vested with the power of contracting alliances and entering into treaties with foreign powers; but he held it to be the incontrovertible right of the Commons to take such engagements into their consideration; and if they found any stipulations in them derogatory to the honour of the crown, or incompatible with the interests of the people, it was their duty to carry their disapprobation of them to the foot of the throne. Feeling that the treaties in question contained such stipulations, he had been induced to frame the motion with which he should conclude. He should not recur to the grounds upon which this country had been engaged in the war with France. The opinion of a minority was recorded upon that subject; but he could not forego the opportunity of expressing the satisfaction he experienced at having contributed his efforts to assist his right hon. friend (Mr. Fox) in his noble endeavours to prevent this country from being plunged into the present unfortunate war. Neither would he dwell upon those topics of invective and inflammation which had been so liberally and successfully used, to persuade the people to concur in that destructive measure. But these artifices were not new; individuals and nations, engaged in the most glorious struggles for liberty had been calumniated with the same epithets which we now bestowed upon the French. In the manifesto by which that furious tyrant Philip the 2nd proscribed the illustrious prince of Orange, that venerable character was designated, in the very terms now in use to describe the Jacobin rulers of France; and by comparing the manifestoes published during the American war, with those of the present day, we should see the same charges of impiety, immorality, hatred to order, and every other species of accusation, brought without reserve against the Americans, which we now lavished on the French. The issues of the two contests to which he had alluded, were known; and from them he might presume to augur what would be the event of the present struggle. But at the time the French nation were unjustifiably libelled by the charge of deism and atheism, it was not asserted, that we had drawn the sword in support of the Christian religion, nor to induce a belief of that, of which no man in his senses ever yet could have really doubted, the existence of a God. When the murder of the unhappy Louis was held up to our view, we were told that we were not engaged in a war of vengeance upon that crime; and when the tyranny of the Jacobin government was so frequently and forcibly painted, and it could not be pourtrayed in colours too strong, it was absolutely denied that we were at war for the purpose of interfering in the internal affairs of France. These were only incentives; and he would take the

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war to have originated in principles of self-defence—always maintaining his own opinion upon the falsity of that assertion.

It would be proper to review the situation of affairs at the time this war commenced. Austria and Prussia, two powers whom we had seen, upon every former occasion, combating the ambitious projects of each other, were combined against France. We had seen the event of one disastrous campaign to those powers. We had learnt their principles in the infamous and sanguinary manifestoes of the duke of Brunswick. We had witnessed those principles carried into execution in the perfidious attack of Prussia upon Poland. However conscious English ministers might feel of the purity of the motives which had induced them to take up arms, it could not be concealed, nor was it to be denied, that the motives which had prompted Austria and Prussia to the war, had been an inordinate ambition, and a hatred to the liberties of France. For the truth of his assertion, he appealed to the treaty of Pilnitz, an incontestible evidence in his favour. About the time that we were forced into the contest, Russia had felt herself forced to a declaration of hostilities also. Did any man doubt the motives of that princess? Was it not evident that the destruction of the Ottoman empire was her object at the time she joined the combination against France; and that she incited the different European powers to war, that when they had sufficiently weakened themselves, she might with the more facility seize upon her prey? Would it not, then, rouse the alarm and indignation of the House, and of the country, to find, that with these powers we had entered into the most intimate connection and confidence; that we had united with them in a common cause; had bound ourselves to go the whole length of their infamous and desperate projects; had stipulated not to lay down our arms till those powers found themselves indemnified for the past, and secured for the future; whose complete success, he would not hesitate to say, would be more fatal to the liberties and the social happiness of Europe, than the spreading of the wildest democracy that ever entered into the head of an enthusiast for liberty and equality. Upon this ground, he called upon the House of Commons to express their disapprobation of the treaties.

It would be material to consider, in what situation of the internal affairs of France, we could find security for a permanent peace, and how far our allies might differ from us upon that subject. Could we acknowledge a republican form of government in France? That question must necessarily be answered in the affirmative; for his majesty's ministers had not yet ventured to say that we could not treat with a republic, only not with the present leaders of the French republic. It would hardly be imagined, that the powers to whom he had above alluded would, as long as they could continue the war, acknowledge a republic in France. Could we find security in the re-establishment of the constitution of 1789, Great Britain was pledged to the constitution of 1789 by the transactions respecting Toulon. But, can any man suppose that Austria and Prussia, who combined for the total overthrow of that constitution, and to crush the infant liberty of France, will ever allow that they are secure as to the future peace of Europe, while France is governed according to the constitution of 1789? These powers are pledged against that constitution as strongly as we are pledged to its re-establishment. At the very time we were negociating the cession of Toulon, general Wurmser in Alsace, in a manifesto, declares the constitution of 1789 to be infamous. Can we forget the manifestoes of the prince of Saxe Cobourg, at the time of Dumourier's defection, when he published an approbation of the constitution of 1789, and was obliged in four days to retract every word that he had said? But, independent of these evidences it is impossible that the king of Prussia should ever accede to the constitution of 1789, from the single fact of his conduct to the marquis de la Fayette; a cold-blooded act of the most malevolent and fruitless cruelty, that ever was perpetrated in the whole history of tyranny. Can the person who keeps in chains the champion of the constitution of 1789, for that single offence against despotism, ever give his consent to the establishment of that constitution? Can Russia and Prussia, the invaders of Poland, and the destroyers of her mild monarchy and equitable laws, consent to the existence of freedom, even under a monarchical government, in any part of the world? But, alas! Sir, these powers, whose hands are still reeking with the blood of Poland, we are bound to assist in all their destructive schemes against France. In the course of the events of

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life, a man might be obliged to use the brutal force of a murderer, to assist him in preventing some flagrant breach of the laws; but sure I am, that no necessity could force one to make "common cause" with that murderer. But with the murderers of Poland, Great Britain has made common cause; and it is our duty to express to the throne our disapprobation of these destructive and unnatural connexions. It was well known, that by a defensive treaty entered into between Great Britain and Prussia in 1788, Prussia was already bound, in case of any attack upon Great Britain to furnish her with assistance as therein stipulated. The present was always stated to be a war of defence on our part, and yet it did not appear that the stipulations of the treaty alluded to had been insisted upon. In fact, ministers themselves contradicted their own assertion, as to the origin of the war; or they had done wrong in unnecessarily binding the country, by fresh engagements, which might, and certainly would, oppose great difficulties to a general or separate pacification. Another part of his motion would refer to the treaty with Sardinia; and upon that head, he thought the wanton misconduct of ministers would appear in the most glaring light. We were bound not to lay down our arms, until the king of Sardinia was repossessed of all the territory which should have been taken from him during the war. It appeared, that Savoy had been in the possession of the French long before the war between France and England broke out, and of so little importance was it esteemed to the general balance of power in Europe, that even after that event, and in consequence of it the king of Sardinia had required the assistance of the Genevese; lord Robert Fitzgerald, in the name of the king of England, requested the republic of Geneva to preserve her neutrality. The memorial of the king of Sardinia bears date October 10, 1792; that of Great Britain October 11, 1792. What apology could the people of Great Britain receive for this wanton pledge that had been given for an object which ministers themselves considered of no importance?

He then took a general view of all the powers united against France. The secretary of state had, in the last session, declared, that it was the duty of administration to call down the assistance of every power in Europe against France. He feared, that in fulfilling that duty, they had violated the most sacred obligations of morality; that in collecting strength for what was termed the defence of Christianity, they had overlooked that comprehensive Christian precept, "Do unto others as you would they should do unto you;" and that when the conduct of the combination to neutral powers should come to be investigated, it would be found that the necessity of taking arms against France had been enforced by the self same reprobated means which had been used by the French for the propagation of liberty and equality. The cause of the confederacy was assumed as the cause of all civilized society. Civilized society disclaimed the assertion. The existence of neutral powers of every description, even in Europe, monarchical as well as republican, contradicted the statement. The neutrality of America bore evidence against it; and we ourselves, in that article of the treaty which stipulates for the possible neutrality of Naples, were witnesses against it. It was curious to observe the inconsistency of men. Neutrality could alone be tolerated in the kingdom of the two Sicilies, with all the rest of the world, to use the emphatical language of the combination, "not to be for us, is to be against us."

He declared it to be his opinion, that, notwithstanding the number and power of the allies, there was no hope of subduing what the chancellor of the exchequer had, upon a former occasion, inadvertently, but too truly, called an "armed nation." This armed nation would prove itself an unconquerable nation. He took a review of the situation of the combined powers at the beginning of the present and of the last campaign, and contended, from the exhausted state of the Austrian and Prussian armies, that our hopes of success could not be so great now as they were at that time.

Did we imagine, that even the subjugation of France would produce a pacification in Europe? Would no quarrels exist about the division of the spoil? Would the powers who had exhibited dispositions so sanguinary with regard to Poland forget their appetite for plunder and rapine? No; we should find that the event alluded to would produce but a short and delusive repose; and the complete success of the allies would prove ultimately destructive to the power and the liberties of this country. Peace with France was the only one which could be built upon stable foundations, and that under any form of

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government she willed for herself. Could we, it was said, place any dependence upon a treaty concluded with such men? As to the faith of treaties, he could not help remarking, that gentlemen now argued as if the faith of kings were indisputable, when in fact, their want of faith was so notorious, that were the same want of attention to the most solemn engagements to be displayed in common life, which was practised by crowned heads in the more important contracts between nation, and nation, society would be at a stand. Instances of royal perfidy were so numerous that it would be waste of time to quote them. But he could not help reminding the House of the most flagrant instance of profligate perfidy that had ever disgraced the annals of mankind, exhibited by the king of Prussia towards the republic of Poland. This was our ally; and could we imagine that any other ties operated upon such a prince, but the want of power to break, or a sense of immediate interest to keep his engagements? We had every reason to suppose that France, in her present state, would be at least as faithful to any stipulation she entered into as any other power in Europe. She did preserve her faith with those nations who had wisely preserved their neutrality; this had been acknowledged in a public declaration by count Bernstorf, the Danish minister, Under all these circumstances, he felt it his duty to propose to the House to advise his majesty to extricate himself from the engagements he had formed, and which appeared to him so utterly destructive to the interests of the country. At the same time he meant not to desire the king to violate, in the smallest particle, the national faith; and he thought that an opportunity now offered of withdrawing, with the strictest honour and justice, from the engagements entered into with some at least of the combined powers. A contract which was not fulfilled by one party, could not be binding upon the other; and it was notorious that Russia had not contributed a man or a rouble to the common cause. As to Prussia, the report very commonly prevailed, that that power was averse from commencing the present campaign, and even now had made a demand upon this country for a subsidy of 800,000*l.* to enable him to prosecute the war. Happy would it have been for this country, had the king been advised to listen to the solicitations of the unfortunate Louis, when he requested the intervention of Great Britain to put a stop to the war at its commencement! Then might Europe have been at peace, and the unfortunate sovereigns of France still in possession of that exalted situation from which they had been dragged to an ignominious death. That fortunate moment had been neglected; and it only now remained to consider of the best means of restoring peace. — Mr. Whitbread concluded with moving,

"That an humble Address be presented to his majesty, to represent to his majesty, that his faithful Commons having taken into their serious consideration the various treaties which have, by his majesty's command, been laid before this House, cannot forbear to express their deep concern that his majesty should have been advised to enter into engagements, the terms of which appear to this House, to be wholly incompatible with the declarations repeatedly made to this House from the throne, relative to the professed objects of the present unfortunate war.

"To represent to his majesty the affliction and alarm of his faithful Commons that his majesty should have been advised to make a "common cause" with powers whose objects are unavowed and undefined, but from whose conduct his faithful Commons have too much ground to dread that they carry on war for the purpose of dictating in the internal affairs of other countries; views which have been repeatedly and solemnly disavowed by his majesty and his ministers, and which are utterly abhorrent from those principles upon which alone a free people can, with honour engage in war.

"To represent to his majesty, that if the present war had been what his majesty's message in the last sesssion of parliament stated it to be, a war of aggression on the part of France, and of defence on the part of Great Britain, that by a treaty previously in existence between his majesty and the king of Prussia, the co-operation and assistance of that power were ensured to this country.

"That it does not appear to this House that the succours stipulated by the defensive treaty of 1788, have been required by his majesty, but that a new convention has been entered into, the stipulations of which have no other tendency than the involving us in schemes, as foreign to the true interest, as they are repugnant to the natural feelings of Englishmen, and of imposing restraints upon his majesty's

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known disposition to avail himself of any circumstances which might otherwise enable him, consistently with the honour of his crown, and the welfare and security of the country, to relieve his people from the present burthensome and calamitous war.

"To represent to his majesty, that the irruption of the French into Savoy, and their possession of that part of the dominions of the king of Sardinia, did not appear to his majesty so far to endanger the balance of power in Europe as to induce his majesty, on that account, to commence hostilities against France: that his faithful Commons do therefore express their disapprobation of that part of the treaty recently concluded between his majesty and the king of Sardinia, by which his majesty is bound not to lay down his arms until the restitution of Savoy shall have been accomplished, a species of engagement which it can at no time (excepting in cases of the greatest emergency) be either prudent or proper to make; and much less for an object which was not deemed, in his majesty's wisdom, to be so connected with the interests of this country as to occasion a declaration of war.

"To represent to his majesty, that it appears to his faithful Commons to be the general tendency of these engagements to involve us in connexions of undefined extent, for objects which we disapprove, and have disavowed; and this with powers on whose principles of equity and moderation we are instructed, by experience, to have no reliance, and whose complete success may, in our opinion, prove fatal to the liberties of Europe.

"To represent to his majesty, that, having thus expressed our sentiments respecting the engagements which his majesty has been advised to contract, we feel it our bounden duty most humbly and earnestly to implore his majesty to consider of such measures as to his royal wisdom shall seem adapted (consistently with that national faith which, in common with his majesty we desire to preserve religiously inviolate) to extricate himself from engagements which oppose such difficulties to his majesty's concluding a separate peace, whenever the interests of his people may render such a measure adviseable, and which certainly countenance the opinion that his majesty is acting in concert with other powers for the unjustifiable purpose of compelling the people of France to submit to a form of government not approved by that nation."

Mr. *Jenkinson* said, that under whatever view the war between this country and France was to be taken, whether it was considered as a war of aggression on their part, or of necessity on ours, he was ready to prove, upon principles admitted on all sides, that the war, as entered into by Austria and Prussia, was perfectly justifiable. The convention of Pilnitz was entered into by those powers for the sole purpose of rescuing the French monarch, then held in bondage, from his captivity, and to enable him, in conjunction with the states of France, to adopt such a constitution as they might deem for their advantage. Now it was a principle of the law of nations, that where any power took any step which might be deemed offensive to another, but for which that power was afterwards ready to make apology, that then all ground of animosity and hostility was done away. In this manner exactly did the emperor act upon this occasion. When the French king declared that he freely accepted the constitution of 1789, the emperor immediately declared the object of that convention fulfilled; and so satisfied did both countries afterwards seem of the sincerity of that profession, that an Ambassador was sent and actually resided for a considerable time at Vienna. Nay, when the French emigrants assembled for the purpose of arming in the dominions of the electors of Cologne and Treves, the emperor expressly gave those powers notice, that they would forfeit the protection of the empire, if, by acting contrary to good faith, they drew upon themselves the resentment of the French nation. If, as gentlemen alleged, the aggression originated in the conduct of the House of Austria, where was the assemblage of troops for the commencement of hostilities? Had any act of violence been offered on the part of Austria? No; all remained in a state of tranquillity, in the expectation of an amicable adjustment of affairs. With regard to the policy which directed the conduct of Prussia, nothing was more easily vindicated; for if Austria happened to be wantonly attacked by France, it was impossible that Prussia could view the assault with an eye of indifference; and whatever might have been the conduct of the latter with respect to Poland, he was convinced that all blame was totally unfounded respecting the commencement of operations against France; because resistance had been provoked by the wanton aggression of the French re-

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publicans. When a country was involved in a war, it became indispensably necessary to form as strong and numerous alliances as possible. Our treaty with Austria and other powers, when surveyed through this medium, deserved praise not censure. It was founded on principles of reciprocal advantage. It had been erroneously advanced, that Great Britain could not obtain peace till such time as France surrendered her rights and liberties to the invaders. But gentlemen, on the examination of the articles, would find, that whenever the towns which had been taken during the war were restored to the original possessors—whenever Prussia and the emperor obtained what was generally called the *status quo*—then the parties were at liberty to conclude the terms of pacification. It had been asked, what territories had the emperor so valuable to us, as to induce this nation to engage in a war against France? He begged leave to say, that independent of the balance of power, certain possessions of the emperor were valuable to us, because they encouraged, by a speedy consumption, the manufactures of this country. The port of Ostend, for instance, was of the greatest importance to us, because through that channel our spirit of commercial enterprise diffused itself all over the German empire. The low countries were therefore very interesting to Great Britain, because they afforded many advantages to our traders. As to the treaty with Sardinia, it might be viewed merely through the medium of policy; and, notwithstanding what had been alleged against it, he would maintain, that the expenditure of 200,000*l.* a year was a wise and politic measure on our part. If France conceived that hostilities would be obstinately enforced in Savoy, this circumstance alone would oblige her to retain a powerful army in that quarter. Thus the exertions of the enemy against the Austrians and Prussians would be considerably weakened, and Savoy preserved to Sardinia. The price, therefore given to the king of Sardinia was not, in his opinion, equal to the purchase. As to Savoy, let the event of the war be what it might, we certainly could always command its restoration to the king of Sardinia. It had been hitherto considered as the interest of this country to guard against an extension of territory by France. Was that politic system to be totally abandoned; or was she less dangerous from the power and extension of her dominions now than she was formerly? It had been affirmed, that this was a war of aggression on our part; when nothing was more evident than that it was a war of necessity. But even if this position were erroneous, which he denied, it became a matter of policy to check the daring ambition of France; and were there no other incitements to the war, he would approve of it, because it tended to reduce the influence of a formidable rival.—Some gentlemen had endeavoured to make a deep impression on the minds of the members by an appeal to their passions respecting the melancholy case of Poland. Such an appeal was, however, inapplicable to the present situation of affairs. There was an old adage, that when your own house was on fire, you ought not to exert yourself to extinguish the flames in that of your neighbour. While his own house was on fire, he would not go to the distance of a mile to extinguish the flames of another. It was absurd to talk of Poland, a territory at such a distance, when there were the greatest apprehensions of danger so near at home. While we lamented the misfortunes of Poland, let us look to ourselves; let us endeavour to extinguish the flames of discord which now prevailed in France, and then we might have a chance of peace on rational and permanent grounds.

Mr. *M. A. Taylor* said, he would support the motion, because he always disliked any league entered into with despotic powers. Prussia was the worst power we could unite with; a power which had plundered Poland and so barbarously treated that excellent character M. de la Fayette. Such a power did more injury to the cause of liberty than all the excesses the French had ever committed. The French had a right to choose the republican government, if they pleased; and no other power had a right to prevent them. He contended, that Austria, and not France, was the real aggressor in the war. The emperor, the king of Prussia, and the pious empress of Russia, had no other object in view than to slice up France between them, after having conquered it. He should vote for every measure by which there was any chance of getting rid of the present war. He would recommend it to the country gentlemen to consider the evils they brought upon the nation by their support of the war. Let them inquire in the different parishes, and there they would find, that the poor-rates

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were increasing in such a degree, that in some places they were scarcely tolerable.

Sir *G. P. Turner* acknowledged that the poor rates were rapidly encreasing; however, that was no argument against the present war, which he had supported on fair and honest principles, and which he did not consider as a war of attack, but of defence. He hoped that every country gentleman, as well as himself, and every person who wished well to the commerce of his country, would support it, for it was the war of all Europe.

Mr. *Fox* said, that he thought himself bound, in the first place, to return his cordial thanks to his hon. friend, for the able and eloquent manner in which he had brought forward the motion, and, next, to give it every degree of support and countenance which it was in his power to bestow. An answer to a very small part of his hon. friend's speech had been attempted to be given; but those arguments, which had been deduced from the general distress of the country at the end of what had been most falsely called the tenth year of unexampled prosperity, and the consideration of the enormous and increasing burthens under which we groaned, had been passed over in silence, and that for a reason sufficiently obvious, namely, because they were unanswerable. Independent of any remark with regard to the origin of the war, on which so much had already been said, it still remained for them to examine into the manner in which the war was conducted, and into the views of those with whom we carried it on. It was impossible, by any sophistry, to evade the conclusion, that Austria and Prussia were the fomentors of this contest, by the stipulations of the treaty of Pilnitz; a treay which had for its object an unwarrantable and impious purpose, namely, the destruction of an independent state, by lawless and insatiable ambition. When this was considered, every principle of reason and morality loudly called upon us to balance the advantages we might reap from such an alliance, with the shame and disgrace attendant upon any engagement with those with whom we had connected ourselves. It had been asked, in respect to Poland, whether or not when our neighbour's house was on fire, it would be wise to run to extinguish a fire at a mile's distance? Mr. Fox begged leave to continue the allegory, and to ask, whether it would be commendable in a man, when he found his neighbour's house on fire, to call in a band of plunderers and robbers to his assistance. Rather than make a common cause with them, either by pumping the engine, or even handing them a bucket, he would hazard every danger to which he might be exposed by the conflagration.

He admitted that the treaty of Pilnitz, although a notorious aggression on the part of the emperor and the king of Prussia, was an aggression for which an apology might have been made and accepted, provided all intention of following it up had been unequivocally disavowed. But, was the treaty annulled? Was any apology made for it? Did not the emperor persist in avowed interference in the internal affairs of France? Did he not make constant complaints of the clubs of France, and other matters which could only concern the sovereign of the subjects of that country? With respect to the king of Prussia, he had no pretext for attacking France. He did not even pretend that he had any. He never called upon us for those succours, which, had he not been the aggressor, we were bound by treaty to furnish him. Next, we were told, that the conduct of those powers with whom we were confederated towards Poland, was not to be considered with relation to the present war. From the same persons who held this language, he had heard on former occasions, that a commercial connexion with Poland might be one of the most valuable that this country could form. That system was now forgotten. Poland was no longer of importance in the scale of nations. Be it so: but, were we to shut our eyes to the perfidy of those powers with whom we contracted alliances? Where was the instance in the French Convention, or the Jacobin club, that could match the perfidy of the king of Prussia to Poland? He not only encouraged the Poles in modelling their constitution, but he publicly congratulated them on having made their monarchy hereditary in the family of his relation, the elector of Saxony; and twelve months after, he had the unexampled impudence to declare, that this very alteration had given just offence to the empress of Russia, and was a sufficient cause for joining his arms to hers against Poland. Surely, this was sufficient to teach us caution! When negociation with France was the question, we were told, "Think not of France as a nation, look not to general maxims of policy, consider

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only the morals and characters of the men with whom you must negociate." When the conduct of our allies was mentioned, we were told, "Think not of the cruel and perfidious dismemberment of Poland, look only to the present object, and the aid they can afford you to obtain it." Hence he conceived this was the inference, "Make peace with no man of whose good conduct and good faith you are not perfectly satisfied; but make an alliance with any man, no matter how profligate or faithless he may be."

When he spoke of kings, he desired always to be understood as speaking of courts and cabinets; for he held it to be, in general, as true in other countries as in this, that for the actions of princes their ministers were responsible. Till that disgrace on civilized society, the imprisonment of the virtuous and meritorious La Fayette was done away, no Frenchman who loved his country could repose confidence in the professions of the combined powers. It was in vain that we had virtue, humanity, religion in our mouths, while passion and malignity were rankling in our hearts, and displayed in our actions. He had been informed that the king of Prussia, in answer to applications for the liberation of M. de La Fayette, had said, that La Fayette was not his prisoner, that he was the prisoner of the combined powers, and he could not be released but by general consent. This answer he knew had been given; with what truth, ministers could best tell: but even if it was false, it was so much the more incumbent upon us to clear ourselves from the obloquy of being parties to the cruel treatment he had received. By our own declarations, although these were not all very consistent with one another, we engaged to support the constitution of which La Fayette was one of the principal authors. Under the constitution of 1789, we accepted of the surrender of Toulon, in trust for Louis 17th. According to the forms of that constitution, the government of Toulon was administered while we were in possession of it. Louis 17th was not styled king of France and Navarre, as by the old government, but king of the French, as by the constitution of 1789. On the restoration of monarchy we offered peace to the French, and thus we explained, that we would be satisfied with that sort of monarchy which La Fayette had assisted in endeavouring to establish. Where was the French constitutionalist who did not then call for La Fayette? With how much more effect might he have been sent commissioner to Toulon than sir Gilbert Elliot? But, mark the horrible contrast between our words and our actions. While we were holding this language to the people of Toulon, he who loved rational liberty, who loved his country and his king, who had sacrificed, in their defence, all that makes life desirable, was languishing in one of the most loathsome dungeons of a Prussian prison. About the same time that we were professing to support the constitution of 1789, general Wurmser had entered Alsace. What were his orders from the emperor? Did he profess to support the constitution of 1789? No: his orders were to abrogate every authority under that constitution, and restore the old form of government. This, which was matter of fact and practice, proved that the views of the emperor could not be the same with ours.

When Dumourier, the most enterprising and the most active general that had lately appeared, proposed joining the prince of Saxe Cobourg, he was declared a wise and virtuous citizen, resolved to give peace to his country, and to assist with his army in restoring, not the old despotic system, but the limited monarchy of 1789. Why was this proclamation issued by the prince of Saxe Cobourg? Because he meant to adhere to it? No such thing. As soon as Dumourier's defection was found to be, not the defection of an army, but of a general and a few followers, all his wisdom and his virtue vanished with his power, and within four, or at most, five days, the prince of Saxe Cobourg, without waiting to see what effect his proclamation would produce in France, with audacity and effrontery unparalleled in history, issued a second proclamation retracting every word of it. This he mentioned to show, that there was as little sincerity in the emperor's professions as in those of the king of Prussia. The prince of Saxe Cobourg was not a man to issue proclamations hastily or without orders; and from the dates, and other circumstances, it was evident, that he must have had the second proclamation by him when he issued the first. Soon after, the "wise and virtuous" Dumourier came to this country, which he was almost immediately ordered to quit; and he had since been reduced to a situation not to be envied by a French general even before the revolutionary tri-

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bunal. What was the lesson thus held out to Frenchmen? That it was better to run the hazard of the guillotine in France, than to take the certainty of misery and contempt among the allies. Such was the capacity we had shown for overthrowing the Jacobin power in France! Had the king of Prussia, or had Russia, acceded to our views any more than the emperor? If they had, what better security for their good faith had they given us, than they had given to Poland? Were they, who held themselves bound by no engagements, to make a splendid exception in our favour, and keep sacred to us promises which were given to others only to betray? We talked of indemnity for the past, and security for the future, as our objects in the war. Let us suppose ourselves in the situation of a well-disposed person in France, an enemy to the tyranny of the Jacobins, and see how these would operate. Security we might think reducing the exorbitant power of France, and to this the well-disposed Frenchman might assent. For indemnity, we might be content with some of the West-India islands; and to this also the Frenchman might agree. But, then, our allies would want an indemnity, and what would be enough for them? If the Frenchman looked to Poland, he would see that nothing short of the partition of France would satisfy them; and could he be expected to risk his life by rising in opposition to the Convention, when the most flattering prospect was the ultimate ruin of his country? If France should be subdued (an event which he never considered as probable), the whole kingdom might not be sufficient to indemnify all the powers at war; and then we must have to fight for the division of the spoil, without even that delusive calm, which had been said to be all that could now be obtained by a peace with France. It was pretty well known that some of our allies were not very cordially disposed towards one another. Where Prussian and Austrian troops were brought together they were much more inclined to fight with each other than against the common enemy, and were only restrained by the strong arm of power. Except ourselves and Holland, not a state had joined the confederacy but those under absolute monarchies. Holland, we all knew, had been drawn into the combination by influence equivalent to force, and would rejoice in an opportunity of getting out of it with safety.

But he should be told, that it was easier to look back and find fault than to look forward and point out a remedy. The motion made by his hon. friend presented the means of finding that remedy. The inclination of Holland to peace could not be doubted; Spain, if he was not much misinformed, would consent to it without any indemnity; and it was very generally reported and believed, that Prussia demanded of us a subsidy of 700,000*l.* as the condition of prosecuting the war. This, if true, was a fortunate circumstance, for it opened a door for peace with the consent of all the allies. The late campaign had been called successful beyond our hopes. The latter part of it, certainly, was not that which could be thought the most fortunate. Now, after being told, as the House was repeatedly told last session, that France was only capable of one desperate effort; and after seeing that effort baffled, in the early part of the campaign, but the loss nearly repaired in the subsequent part of it, not by desperate efforts but by perseverance, he could not entertain very sanguine hopes of the next campaign, even if it should begin as brilliantly as the last. He was not bold enough to assure himself, or the House, that we should be able to obtain the restoration of Savoy, which we had bound ourselves by treaty to obtain; but if he were, he should still object to giving the means of making peace out of our own hands. When ministers were charged with neglecting the business of convoys, they answered, that France, in the first instance had reaped the fruits of her unexpected aggression; yet this unexpected aggression, as it was called, was made several months after the conquest of Savoy, after the battle of Jemappe, and the invasion of the Austrian Netherlands.

Mr. Fox said, it was matter of great consolation to him, that in spite of popular clamour, he had used every endeavour to prevent the war; and, when it was unfortunately commenced, to render it as short as possible. Believing now, that several of the allies were disposed to peace, he thanked his hon. friend for affording him an opportunity of repeating and recording his opinion on the subject. He would say nothing of the calamities inseparable from war, although on every question they were perfectly in order. It was idle to say, that because they were general topics, and applicable to every war, they were fit matter of argument

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against none. The very circumstance of their generality, rendered them matter of serious consideration before we entered upon any war. It was impossible to devise productive taxes that would not fall ultimately upon the lower classes; and when such additional burthens had been imposed, it was impossible to call war a state of prosperity. Every new tax fell heavier than those which went before it, because its weight was added to that of all the preceding. Thus, the taxes for the American war fell heavier than those for the war preceding; those for the present heavier than the taxes for the American war; and those for any future war must be heavier still.

Mr. *Pitt* said:—Sir; the question which has been now brought forward comes within a very narrow compass. If the House or the country conceived the present contest to be what it is represented to be; if they conceived it to have originated from a league of despots for the purpose of crushing the rising liberties of a neighbouring state; if they considered it as a contest into which we had unnecessarily entered, and in which no interest of our own was involved, they might then be of opinion that the present motion ought to be adopted. But if the House and the country continue to think that the war was originally undertaken to repel aggression, and to secure our dearest and most important interests, and that in such circumstances we had the happiness to find allies in some powers already engaged in the same contest, and likewise to find others who were disposed to concur with us for the same purpose, will they not then be of opinion, that instead of seeking to abandon our present alliances, we ought rather to do every thing in our power to cement and confirm them? The arguments, upon which the motion has been supported, have been derived from particular parts of the conduct of some of our allies, or from general objections, which apply equally to all confederacies; but while such are the arguments upon which it rests, what are the effects which it is calculated to produce? It tends to discourage our allies, and impress them with the idea that they can no longer depend upon our co-operation, while it holds out a signal to the enemy that we are prepared to receive such a peace as they may be disposed to give us. The motion is no less than a motion for peace, and that upon any terms. A great part of the speech of the right hon. gentleman who spoke last, was taken up in proving that the objections which are urged against war in general, apply to the present war. This surely was not necessary: so much do the objections against war in general apply to every particular war, that they ought, no doubt, to be allowed the greatest influence, whenever there is any option between war and peace. But in every case where it is necessary to undertake a war in support of the interests or independence of a country, these objections are supposed to vanish. The right hon. gentleman has asked, whether the last year is to be deemed one of the ten years of prosperity? Whatever may have been the peculiar circumstances of the last year, it has certainly furnished instances of the radical resources and real prosperity of the country. If, from the occurrences of last year, the right hon. gentleman means to draw any arguments that our resources are not equal to the contest in which we are engaged, he certainly will fail in his object. The inconvenience experienced by commerce arises not solely from our having taken part in the war; but is, in a great measure, the effect of that continental war, which had previously subsisted. Besides, had not we taken an active share in the war, the inconvenience to commerce might even have increased; the scene of anarchy and confusion, which threatened to overspread Europe, would have become more formidable; and liberty and commerce, against which this war was directly pointed, would have been placed in a situation of more imminent danger. Another cause of the shock which was last year sustained by credit, arose from the extent to which commercial speculation had been carried. This was a circumstance which might have taken place without the operation of any war; it was an evil which we might naturally have foreseen, and upon which we were bound to calculate. But another argument, upon which the hon. gentlemen have insisted much, is the little probability of success in the present contest; an argument which they, no doubt, particularly address to those who may approve of the principles upon which it was undertaken. I must, indeed, confess, that the prospect of the want of success is pregnant with every mischief to this country. There are no shades, which can deepen the horrors of such a catastrophe; and there are no ex-

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ertions which ought not to be employed in order to avert it. Even were our prospects of success as bad as has been attempted to be represented, I should still think that we had no alternative, and that it were better for us to meet the danger, even in its utmost extent, than to court any terms of accommodation.—An hon. gentleman has asked, whether our prospects of success were as great at the conclusion as they were at the beginning of the compaign? There is no doubt that in the course of a campaign, the prospects of success will become more or less sanguine according to the complexion of events. But the true criterion of the success of the campaign, is to compare the general state of Europe with what it was at the commencement of the campaign. And who will not say that the change in positive circumstances has been such as fully to justify the prospect of ultimate success? We have seen the great exertions that have been made by France. But are those exertions natural? If we look at what the campaign has cost France, and what it has cost the allied powers, even if we had not gained one battle, or one inch of ground, still we must deem the advantage to be on our side.—The short question then comes to be—If the war in which we are engaged is just, is there any thing in the system of our alliances inconsistent with sound policy? Complaints have been made of detached parts of the conduct of our allies; some of them previous to the war, and others during the war, but all of them independent of the cause in which we are engaged. With respect to La Fayette, I have only to say that his fate was never at the disposal of this country. The situation of Poland has often been brought forward, but I have never hesitated to express my disapprobation of the treatment of that country. But the question is, whether we should allow one act of injustice to deprive us of the assistance of those powers in resisting a system of intolerable injustice, not merely existing in France, but attempted to be introduced into every other country? It has been asked, what are the views of our allies with respect to the future government of France? Do they mean to restore the former absolute monarchy? I have no reason to impute to them any such intention; but this I know, that this country is engaged in the contest, only so far as relates to her own defence.—But it has been urged that even should the combined powers succeed, there may be danger from their subsequent divisions.—This is an objection which must equally apply to all confederations; but it is surely no reason why Great Britain, the soul and cement of the confederacy, should at present withdraw her assistance and co-operation from the other powers.

After a short reply from Mr. Whitbread, the House divided.

Tellers.

Yeas	Mr. Whitbread - - Mr. Sheridan - - -	26
Noes	Mr. John Smith - - Mr. Pole Carew - -	138

So it passed in the negative.

*Debate on Mr. Adam's Motion respecting the Trials of Mr. Muir and Mr. Palmer.**] March 10. Mr. *Adam* rose and spoke as follows:

Mr. Speaker; I rise, after a variety of delays, to lay before this House the Judicial Proceedings of the supreme court of criminal judicature in the northern part of the United Kingdom, in the cases of Mr. Muir and Mr. Palmer. The various circumstances which have, till now, prevented my bringing this subject before you, were not created by me, they are in the knowledge of the House, and I forbear to waste your time by dwelling upon them. The task I have undertaken is an arduous one, and, in the discharge of it, I feel my mind strongly impressed with the opposite sensations of confidence and anxiety. Confidence in the goodness of my cause; anxiety as to my capacity to do it justice. It is a subject at once grave, important, interesting, and difficult. It is grave, in so far as it questions the legal judgment and sound discretion of a court of justice. It is important, as it relates to the administration of criminal jurisprudence in immediate connexion with the liberty of the subject, and the freedom of the constitution; it is interesting, with reference to the individuals, who are to suffer under the severity of the sentence; and it is difficult, because it is a legal subject, relating to Scotland, addressed to a popular assembly, and not to a court of justice.

Under these impressions, however, there are some circumstances to give me comfort. It is not my fault that I

* See Howell's State Trials, Vol. 23, p. p. 117, 237.

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am here. The decisions of the supreme appellate court (the House of Lords) have established, that from the justiciary and circuit courts in Scotland, both of which are supreme courts, there is no appeal.* I endeavoured to remedy that defect by proposing an act to give an appeal from the criminal courts of Scotland,† and I meant that it should contain a retrospective clause which would have included these cases. But a majority of this House thought proper to reject my motion; and I am now under the necessity of discussing the legal part of this question in this place, because this is the only place in which it can be discussed. Under such necessity, whether I look round me, or whether I look to the benches opposite to me, there are circumstances to comfort me under the impressions which I feel. Around me there are gentlemen whose constitutional knowledge, whose powerful talents and discerning minds enable them to embrace and understand the subject; and there are those, whose great experience in the profession of the law of this country, give them a ready apprehension of legal questions, though arising out of the criminal law of another country. Over against me I see a right hon. gentleman (Mr. Pitt), who, though now one of his majesty's ministers, was originally educated to the profession of the bar, and who to early habits of legal study adds considerable parliamentary experience, who possesses great and undisputed talents, and who, having repeatedly declared his opinion upon the legality and sound discretion of these sentences, must have sifted the question to the bottom; and I doubt not he will take a part in this discussion. I have the satisfaction to see another right hon. gentleman (Mr. Dundas), whose illness was one cause for postponing this business till now. I hope he will not fail to take a part in this debate; for though I have every thing to fear from my own defects, my subject fears no opponent. That gentleman, to long parliamentary experience adds the education and practice of a Scots lawyer, particularly in the criminal courts, where as Solicitor General or Advocate, he served the Crown, almost from the hour he was called to that bar. Sir, I see another gentleman, whose presence we have procured by our last delay, a circumstance which is likewise consolatory to me; for here again I court full discussion. I mean the learned person* who instituted and conducted these prosecutions, and who of course must have given his whole mind to this important subject. Sir, I see other gentlemen of great rank, knowledge, and estimation in the law of this country, and some who may, from their habits and practice in the court of appeal from Scotland, be said to be *Docti utriusque Juris*. To all these gentlemen I particularly address myself; and in the arduous task which I have to discharge, I have much satisfaction in beholding such an audience.

Sir, I have no pretensions whatever to practical knowledge of the law of Scotland, but I have some pretensions to sedulous, laborious, and anxious attention to whatever my duty in this House calls upon me to consider. I have viewed this extensive and difficult subject on every side; according to the expressive language and sound precept of lord Bacon—"not to contradict and confute, not to believe or take for granted, not to find talk or discourse, but to weigh and consider." Sir, I have weighed and considered the subject in all its aspects and in all its parts, not only with a view to form a sound opinion, which in such a case I was bound to do, before I ventured to challenge judicial supreme authority, but with a view to frame the motions which I shall have occasion to offer to the House. I mean first to move for certain parts of the record, and certain notes of *memoranda* of the evidence, which, if before the House, will fairly raise the whole question. The first motion will be for the indictment, the plea, the verdict, and the judgment, which will raise the question of legality. The second motion will be for certain determinations of the court respecting the admitting and rejecting of evidence. The third will be for certain proceedings which took place respecting the admission of objectionable persons to serve upon the jury. The fourth will relate to the commitment of a person of the name of William Muir for refusing, upon a religious scruple, to take the oath. The fifth motion relates to the conduct of the court with respect to one John Russel,

* See Howell's State Trials, Vol. 23, p. 115.
† See p. 1346 of the present volume.

* Lord Advocate Dundas; afterwards Lord Chief Baron of the Exchequer of Scotland.

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a witness for the defendant, whose evidence was refused, and he himself committed for prevarication, without being examined. All these things appear upon the face of the record, except the second; and I have, here in my possession, an office copy of the record to prove my assertion. The last can be supplied by the notes of the judges, in the manner in use, in cases where the notes of the judge is the only evidence of what passes at a trial. Of these, the first motion is common to the case of Mr. Palmer, as well as that of Mr. Muir; the others are special circumstances which belong to the case of Mr. Muir only. If these should be granted, it is my intention to found on them two addresses to his majesty, applicable to the cases of those unfortunate gentlemen. If they are not granted, I shall think it equally my duty to move the addresses, because I am entitled to assume these things as true, unless the contrary is shown by a production of the record and evidence. The addresses will state respectfully, as far as concerns the court, that there are doubts in regard to the legality of the sentences; that there is an excess in the exercise of judicial discretion, in both cases; that there are in Mr. Muir's case specialities, which go to show a mis-trial, by an improper admission of jurymen, and an improper admission and rejection of evidence; and they will conclude with a prayer to his majesty, to extend his justice and mercy to both these persons; so that "The monarch," according to the elegant and constitutional sentiment of sir William Blackstone, "may appear in those works only, in which the nation is accustomed to see him, works of legislature and mercy, that the people may look up to him as the fountain of nothing but bounty and grace. Which acts of goodness, frequently repeated, and coming immediately from his own hand, endear the sovereign to his subjects, and contribute more than any thing to root in their hearts, that filial affection and personal loyalty, which are the sure establishment of a prince."

In the course of what I have to offer to the House, though I may sometimes be led to illustrate the subject by analogies from the law of England, I shall certainly found my right to prevail in what I propose, upon the law of Scotland alone, because, by that law alone the legality, justice, and discretion of the sentences in question are to be judged. In doing this, I shall, to the utmost of my power, avoid discussions purely technical, not because technical accuracy does not secure substantial justice; for upon that subject I never can forget the wise and powerful sentiment of an eminent judicial character (lord Thurlow) whose unremitting, intelligent, impartial, and gratuitous administration of justice in appeals in the other House of parliament, Scotland will continue to feel with endless gratitude. That great and enlightened person is reported to have said, "The forms of law are the fences of justice." As such they are doubtless to be considered, and as such I must call them to my aid; but I will call them in aid sparingly; because too strong a leaning to that sort of argument might be misplaced in addressing a numerous and popular tribunal like this House; and the object which I wish to attain, may be accomplished without pressing upon that part of the subject to an excessive degree.

The question which I bring forward has nothing abstract in it. It is a great practical question, upon a most important judicial decision. The first consideration being the legality of the sentences, my opinion with respect to that legality I shall endeavour to make out, by maintaining the three following propositions: First, That the crimes set forth in the indictments against Thomas Muir, and Thomas Fyshe Palmer, are what the law of Scotland terms Leasing-making, which, by the English law, is a misdemeanor, in the nature of a public libel, tending to affect the state; and the indictments charge no other offence whatever. Second, That the punishment of transportation cannot by the law of Scotland be legally inflicted for the crime of Leasing-making or Public Libel. The Scots act of Queen Ann, (1703, c. 4.) having appropriated to that crime the punishment of fine, imprisonment, or banishment; under which pain of banishment, transportation is not included. And that the annexing the pain of death to the return from such transportation is an aggravation not warranted by law; the punishment of death being expressly taken away by the statute of 1703. c. 4. and no statute has passed since that time which varies or alters that law. Third, That if the acts charged in the indictments do not constitute the crime of leasing-making, or public libel, the indictments charge no

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crime known to the law of Scotland: First, because there is no such crime known to the law of Scotland at common law, as sedition constituting a distinct and separate offence: and these offences do not fall within the statutory seditions. Secondly, because if there is such a crime at common law, these indictments do not charge it, and it would be contrary to law to punish that offence by transportation; and not warranted by law to inflict the pain of death for returning from such transportation.

To explain the first of these propositions, it may be necessary to state, that a Scots indictment professes to be a perfect syllogism: the first or major proposition sets forth the crime; the minor proposition asserts the facts with time and place, which the accused is charged with having committed; the conclusion drawn is, that he is guilty of the crime charged. Here this material observation arises, that however wide the range of the major proposition may be, the matter charged in the minor proposition must be understood to restrict it, upon this sound principle of law and common sense, that a person cannot be found guilty of more than he is charged to have done; and that what he is supposed to have done, is contained in the minor proposition. There is another observation equally material, viz. That as the major proposition contains the statement of the crime, so the facts set forth in the minor proposition, must be such as to constitute the crime set forth in the major proposition, and no other; and above all, that the minor proposition cannot legally contain facts, establishing a higher crime than that set forth in the major proposition. Under these observations I contend, that the indictment against Mr. Muir contains no charge but that of leasing-making, or public libel against the state.

In reading the indictment, the House will perceive, that I read from the printed trial. But I am not only sure of its accuracy by having compared it with the office copy of the record, which I have here before me, but I may observe, now, once for all, that there were three accounts of the trial of Mr. Muir published; that which I shall quote from, is the trial published by Mr. Creech, which, from the motto on its title page, and from the introduction, is evidently meant to bear against the prisoner, and to be partial to that side which has not mercy for its object.

The indictment sets forth, in the major proposition, "That it is criminal to excite disloyalty by seditious speeches and harangues; more especially when such speeches and harangues are addressed to meetings and convocations brought together by no lawful authority, and uttered by one, who is the chief instrument of calling together such meetings." What is stated in the first part of this proposition is nothing more than Leasing-making; namely, the speaking words tending to excite discord between the king and his people. The other part of the proposition, that is, the doing so before unlawful convocations, in calling of which unlawful convocations the person haranguing was the chief instrument, is mere matter of aggravation. First, it is so laid in the indictment, for it is introduced under words of aggravation; next, it is the proper form and mode of pleading such matter, and is laid down to be so in the law authorities of Scotland; and lastly, it is so held to be, by the lord justice clerk in delivering judgment in this case, upon the relevancy of the indictment. As to the first, it requires no argument to prove, that the words in the indictment, "more especially," which apply to all the clause that relates to convocating the people, are words of mere aggravation, and not of substantive charge. As to the second, it is established upon the authority of Sir George Mackenzie, to be the rule of pleading, to lay the crime of convocation as aggravating matter only. Sir George Mackenzie, is an author to whom I shall have frequent occasion to refer. He may be said to be almost the only authority, as a text writer, on the criminal law of Scotland; he was a man of considerable talents and great acquirements; and his works are both various and eminent. But his object was, to raise himself by the patronage of the duke of Lauderdale, and those persons who governed Scotland during the disgraceful reign of Charles 2d. a period which stains the purity of public justice and national honour. He was a tool of the worst of ministers, and the apologist of all the unconstitutional acts of that unhappy æra; yet, both as a lawyer and an historian, I must rely upon him as supporting the case which I undertake to prove. And it will not be denied, that when I quote Sir George Mackenzie, I quote an authority constantly cited in the Scots criminal courts. Such an author may with propriety be styled an unwilling

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witness in such a cause as I have to bring before you. But if he proves my case, like every case proved by an unwilling witness, the cause receives additional strength, the argument additional confirmation. Upon the subject of convocating the people, Sir George Mackenzie in his title Sedition, says, "The crime of simple convocation is ordinarily pursued before the council, and is seldom punished either by the council or justice court, as *crimen per se*, but as the agreging* quality of a riot, or other crime †." So that the nature and quality of the act of convocation is by law matter of aggravation; and of course, is properly laid in the major proposition of the indictment, under words of aggravation.

The latter part of the major proposition, which sets forth the circulating seditious writings, or reading them aloud to meetings, does not charge the convocating those meetings, either as a substantive fact, or as aggravating matter; therefore, on that part of the proposition, it is impossible for the defenders of the judgment to rely. Taking the case then on the major proposition alone, I deny that there is any thing there stated which raises the crime above leasing-making or public libel. Let us see next, how it stands under the minor proposition. The minor proposition sets forth, that Thomas Muir did, at certain times and in certain places, "in societies of reform, which societies he was the chief means of instituting and forming, harangue such meetings, propagate certain doctrines," &c. Here the act of convocation, or assembling the people, is not charged either as a substantive crime or as aggravation; but he is merely charged as being a chief means of instituting the societies of reform; which cannot mean the calling them together for the particular criminal purpose charged in the indictment; but as being a person who instituted or gave birth to the societies for the general purposes of reform. So that even if the major proposition alleged another crime than leasing-making, and that the aggravating matter could be changed into a direct allegation of sedition, the minor proposition has restricted it by not alleging it all; for the saying he instituted the society, can never be held to mean, that he convocated the people.

But observe, lastly, what the court says upon it, in pronouncing on the relevancy of the libel; a proceeding which always takes place in Scotland previous to the trial of the accused. The lord justice clerk says, "the crime with which the indictment charges the panel is—that of exciting discontent among the people;—of endeavouring to create a rebellion;—of feloniously disseminating wicked and seditious publications, and advising their perusal." There are in this judgment three clauses; the first and third cannot be construed to rise an iota higher than leasing-making. The exciting discontent and disseminating seditious publications are precisely and accurately the crime of libel affecting the government of the country. The second or middle clause is of a different nature, the endeavouring to create a rebellion. Now I contend that that crime does not stand charged on the face of the indictment, and that from the very nature of the thing it cannot. There is no charge in the indictment of a conspiracy to excite sedition, or raise insurrections. There is no charge of individual acts to incite insurrection—There is therefore no misdemeanor alleged which can by any construction be brought within the second clause of the judgment, even if rebellion could be construed to mean no more than an insurrection, or a seditious commotion. But what is rebellion? It is treason. What is the endeavour to excite it, if committed? It is the crime of accessary to treason. The treason laws of England are extended to Scotland, and by that law there is no accessary in treason, all are principals: therefore the indictment must charge the crime of treason which is not pretended, or the middle clause of the judgment of the lord justice clerk falls to the ground. The relevancy of the libel therefore rests on the first and third proposition exciting discontent, and disseminating seditious works, which are mere leasing-making. I am therefore entitled to conclude that I have the judgment of the court with my construction of what the indictment charges: and I am, upon clear principles of law, entitled to say, in the terms of my first proposition, "That the crime set forth in the indictment against Mr. Muir, is leasing-making, and that the indictment charges no other crime whatever."—As to the indictment against Mr. Palmer, the same argument applies, with this material additional observation, that in that indictment not one word is stated respecting a

* Agreging means aggravating.
† Criminals, p. 1. t. 7. l. 3.

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convocation of the people; but the simple act of publishing what is termed a seditious libel, is there charged; consequently the case, which is clear with respect to Mr. Muir, must remain without a doubt in the instance of Mr. Palmer.

It being established, therefore, by these arguments, that the crime charged against these gentlemen is leasing-making only, it remains to be shown, according to my second proposition, "That the punishment of transportation cannot, by the law of Scotland, be legally inflicted on that crime; the statue of 1703, chap. 4. having enacted the punishment of banishment, in which transportation is not included; and that the annexing the pain of death on return, is an aggravation not warranted by law; the punishment of death being taken away by the statue of 1703; and no law having passed since that time to vary or alter the enactment of that statute."

In order to understand the argument upon this proposition, it is necessary to enter into the origin and history of the act of 1703, respecting leasing-making. The history of any act of parliament is an ordinary and legal clue by which to unravel its meaning; but it is peculiarly calculated to explain the construction of acts which relate to the state and government, and most particularly suited to expound this statute, which is the master-key that unlocks and discovers this repository of doubtful legality and unprecedented severity. The act of 1703, chap. 4. derives its origin directly from that charter of liberty which passed in Scotland at the period of the revolution, termed the Claim of Right, and which corresponds to the Bill of Rights in this country.

Sir, it is impossible to allude to that period of Scots history, without paying a due tribute of praise to those who led the way in that great event. They did not spend their time in metaphysical disquisitions upon the abdication of the crown, but at once decided, in the phraseology of that country, that it was forefaulted. The oppression of individuals and the infringements of liberty, which preceded the revolution in England, likewise preceded that event in Scotland. If England had her Sidney and Russell, Scotland had her earl of Argyle. The history of that extraordinary personage is so well known, that it were almost unnecessary to enlarge upon it; did it not mark the origin of a most important clause in the claim of right, from which I will show the act of 1703 to be derived. The earl of Argyle, in the year 1681, or 1682, was tried for leasing-making,* because he had given a conscientious explanation of an unconscientious test, attempted to be imposed upon the people of Scotland, by the tyrannical government of the duke of York in the reign of Charles the 2nd. Mr. Hume, in describing the injustice and illegality of that trial, says, "It is needless to enter into particulars, where the iniquity is so apparent. Though the sword of justice was displayed, even her semblance was not put on, and the forms alone of law were preserved, in order to sanctify, or rather aggravate, the oppression." The earl was found guilty by a jury of his peers, and sentenced to death by the court; but he made his escape from prison. He returned afterwards to Scotland in the reign of James the 2nd, and was (to fill the measure of judicial iniquity) executed upon the old sentence of 1681. But when the period of the revolution arrived those who accomplished that great event were anxious to prevent a repetition of such aggravated and enormous oppression. They inserted it as a clause in the claim of right, "That the causing pursue and forfeit persons upon Stretches of old and obsolete laws, upon frivolous and weak pretences, upon lame and defective probations, as particularly the late earl of Argyle, are contrary to law." This short but expressive and important clause was considered as a security, and did for some time operate as a security, against the oppression of the crown through the medium of criminal prosecutions; but the state of Scotland soon changed. An attempt was made by the Scots to establish a colony on the isthmus of Darien, which was strongly resisted by the ministers of the crown. The eagerness and zeal of the people of Scotland, in support of this favourite measure, led to many acts and publications reflecting on the government and the parliament. A trial took place† in 1701, in which doctrines subversive of liberty and justice were held by the crown lawyers. The obsolete laws condemned in the claim of right, in the case of the earl of Argyle, were attempted to be revived, the effect of which was, indeed, prevented in the particular instance, by the jury, who had the good sense and spirit

* See his case in Howell's State Trials, vol. 8, p. 843.

† Arnot's Criminal Trials, page 91. The case of Achmouty and Thomson.

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to acquit the accused persons: but those who loved their country, felt the danger, and saw with alarm, a most material article of their liberties directly aimed at. That illustrious Scots patriot, Fletcher of Salton, who had returned from banishment and persecution, was daily engaged in defending the liberties of his country in parliament, and it is hardly probable that such an attack upon them as this, could have escaped his vigilance. It is material to observe, too, that the parliament of Scotland, on the same day that the act concerning leasing-making passed, had the claim of right immediately under its consideration. This fact is proved from the collection of the Scots acts of parliament, by which it appears, that the statute which immediately precedes the act concerning leasing-making, is an act making it high treason to alter or innovate the claim of right, or any article thereof. Then follows the act concerning leasing-making, in these words; "Whereas the said laws, have been liable to stretches, and that in respect of their generality and the various constructions they may admit; they may be as to the aforesaid capital punishment, of dangerous consequence; her majesty, with the advice of the estates, &c. doth therefore abrogate in all time coming the sanction and pain of death and confiscation, and ordains that the punishment of the crimes therein mentioned shall hereafter be arbitrary, that is, by fining, imprisonment, and banishment. But if the party be poor and not able to pay a fine, then to be punished in his body, life and limb always preserved."

The origin and nature of this act then is clear and indisputable. By the evident history of the times, namely, the oppressive and unconstitutional doctrines contended for in the crown prosecutions of that period, the zeal of the people in the Darien cause, and the contemporaneous consideration of the claim of right as well as the similarity of the language of the two statutes, the act of 1703, chap. 4. appears to derive its descent, lineally, from that important clause of the claim of right, which took its rise in the trial of the earl of Argyle. The two characters which it bears—its character as a penal law, and its character as a law of privilege, connected with the liberty of the subject,—unite to enforce the same construction. As a penal law, every word is to be construed strictly, upon that important principle of criminal jurisprudence, the safety of the accused. As derived from, and connected with, the claim of right, it is to receive an interpretation favourable to the privileges of the people; which requires, that in its construction it should be limited to the strict sense and meaning of the words, for the privilege of the subject, under this statute, is the limitation and restriction of punishment. There is another observation of material consequence, in the consideration of this act. It leaves the offences exactly as they stood by the former statutes, but it alters the punishment by mitigating its severity. It is therefore to be construed in such a manner, as will give full effect to that spirit of lenity and mitigation, and of two doubtful interpretations that is always to be preferred by which severity is abridged.

Under these observations, let me now consider what the word banishment means in general, what it means by the law of Scotland, and what it particularly means in the act of 1703, chap. 4. That it does not mean transportation (the punishment inflicted in the cases under consideration) I pledge myself to prove by every species of evidence by which any position of law can be ascertained; from the lowest circumstance of proof, the common acceptation of the word in common language, to the very highest—The language of the legislature in acts of parliament. It is necessary here to make a preliminary observation, namely, that there is now, and was formerly, great inaccuracy and want of precision in the use of words in Scotland, even in the courts of law, consequently it may appear in some instances, from the mode of using the words banishment and transportation, both in the statutes and the cases, that it is doubtful which is meant; it is therefore not the word taken abstractedly, or by itself, by which we are to construe its meaning, but it is to be construed by the context and relation in which it stands. By banishment I mean mere expulsion from the society, country, or realm, to which the expelled person belongs; leaving every other country open to his approach, without restraint.

"Round the wide world in banishment we roam,
Forced from our fertile fields and native home."*

By transportation I mean not only the expulsion of the person transported

* Dryden.

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from the realm or society to which he belongs, but his being sent to another place which he cannot quit, and in which he must remain, in a situation of servitude, as in America formerly; or under a military despotism and servitude, as at Botany Bay now. * The one is simple expatriation with the power of going any where, but deprived of the power of returning home. The other is expatriation with the aggravation of being sent to a stated place, in a situation of servitude and confinement in that place. This distinction, Sir, I beg may be kept in mind, because in the decided cases of the Scotch courts, and in the acts of the Scotch parliament, it will appear, that the words banished to the plantations, banished to the West-Indies, banished to America, are frequently used; but though the word banished is used, yet I admit that, where it stands conjoined with the place of transportation, the thing done is what is understood now in Scotland, and has been always understood in this country, to be transportation.

It will not be supposed, I am sure, by any person who knows the history of these punishments, that there is any thing theoretical in this doctrine; it is one which is to be found both in the Roman law, and in the law of this country. In the Roman law, there were three distinctions; the *aquæ et ignis interdictio*; the *relegatio*; and the *deportatio in insulam*. The first was perpetual banishment, without restriction as to place, but expatriation from Rome for life; the second *relegatio*, was banishment, to a place appointed, without servitude; the third, *deportatio in insulam*, precisely answers to transportation as it is now understood in England. In England, banishment seems to have been a punishment unknown to the common law, yet the term is used by lord Coke [2nd Institute, 201,] and abjuration of the realm for felony is in the nature of banishment. The expression is used likewise, in a statute of the 39th Elizabeth whereby certain vagrants are enacted to be banished. But although it does not exist in this country, as a punishment in the ordinary course of criminal justice, it is to be found, in bills of pains and penalties, as in the cases of lord Clarendon and the bishop of Rochester. In all these cases it has a distinct meaning, and is clearly a distinct and different punishment from transportation; so that the essential distinction, for which I contend, between the punishment of simple banishment and the aggravated banishment of transportation, which has confinement to a place, servitude, and other circumstances of increased severity, superadded, is recognized in established systems of law.

I shall presently show in what manner this distinction arose in the law of Scotland, from which it will clearly appear, that according to the sound exposition of the statute of 1703, chap. 4. the word banishment as used in that statute, means simple expatriation from Scotland, and nothing more. In order that I may render this evident, it is necessary to state shortly, the history of the punishment of transportation as connected with the history of the country and of its law. During the early periods of the Scotch government, it is impossible that there should have been any such punishment as transportation. For transportation infers the existence of some place, territory, or colony, under the dominion and authority of the governing power, and out of the mother country, to which a criminal can be sent, as to a situation of servitude and confinement. Now the condition of Scotland admitted of no such thing, until the end of the last, and beginning of the present century, when the Darien colony was set on foot: for it will not be said, that the settlement of the Scots in the province of Ulster, in Ireland, after the accession of James the 1st to the throne of England, afforded the means of transportation. The authority of a court cannot exceed the bounds of its jurisdiction; therefore, there can be no transportation by the authority of the court, because its jurisdiction is restricted to the bounds of the realm. To constitute the punishment of transportation, there must either be an act of the legislature (as I shall show by-and-by was the case in England) or an usage of the courts, and an acquiescence of the legislature; which I

* In governor Philip's instructions to Mr. King, commandant of Norfolk island, page 73 and 74, it is said, "the convicts being the servants of the Crown, till the time for which they are sentenced is expired, their labour is to be for the public.

You are not to permit any intercourse, or trade, with any ships or vessels that may stop at the island, whether English, or of any other nation, unless such ships or vessels should be in distress." Vide also the act of 27 George 3rd chap. 2. establishing martial law as the law of the settlement.

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shall show immediately to have been the case in Scotland.

If this doctrine required to be proved, or illustrated, it is only necessary to refer to a very recent case, which arose upon the sheriff of a Scots county, inflicting the sentence of transportation. When a right hon. gentleman over against me (Mr. Dundas), was solicitor-general for Scotland, a prosecution was instituted before the sheriff of the county of Haddington, for theft, sheriffs in Scotland having jurisdiction in capital cases. The prisoner was found guilty, and the sentence pronounced by the sheriff was transportation. The matter was carried before the court of justiciary by the convict, there being an appeal from the sheriff's court to the court of justiciary. It was argued by the right hon. gentleman, as counsel for the crown, in favour of the sheriff's power to transport. It was argued for the convict by Mr. Blair, the present solicitor-general for Scotland. The court of justiciary decided in favour of the convict, and held that the sheriff could not inflict the sentence of transportation, because his county limited his jurisdiction. It then adjudged that the sentence of transportation must be reversed; but inasmuch as the party had been found guilty, by the verdict of a jury, the court of justiciary sentenced him to be banished. [Maclaurin, p. 367.] This case, then, establishes two material points; first, it shows, that transportation is limited by jurisdiction, so that in the original state of Scotland, there could be no transportation; next it proves the distinction which I contend for between transportation and banishment; they prevent the sentence of transportation from being executed, and they inflict that of banishment—that is, they set aside the higher punishment of expatriation, servitude, and confinement to a particular place, and they pronounce the more lenient, and, therefore, the distinct punishment of simple expatriation or exile from Scotland. This case took place so late as the year 1767; it clearly marks and confirms the distinction for which I contend, and it will not be asserted that any competent authority has since varied or altered the law.

This doctrine of transportation, or banishment, accompanied with foreign or colonial imprisonment and servitude, which are one and the same thing, being founded in the authority of the state over foreign possessions, and controlled by the defect of power in the courts beyond the bounds of the realm is no theoretical fancy of mine. It is the genuine result of the true principle of jurisdiction, and receives confirmation from the authority of sir George Mackenzie, [Criminal Law, p. 266] who says, "With us, no judge can confine a man whom he banisheth, to a particular place out of his jurisdiction; because he has no jurisdiction over other countries, and so cannot make acts or pronounce any sentences relative to them." [Vol. 1, p. 333.]

Nothing can be more decisive than this authority, to confirm the principle which I have laid down, or to show that originally there was no transportation by the law of Scotland. The question then is, how did it become the law? For I admit, that to certain purposes, and as the punishment of certain crimes, it is now the law of Scotland to transport. But I contend that it is not the law as applicable to the crimes charged on Mr. Muir and Mr. Palmer.

The first instance of transportation in Scotland was in the year 1666 or 1667. It appears from Bishop Burnet's History of his own Times [Vol. 1, p. 333] that the tyranny and violence of the earl of Middleton and archbishop Sharp had carried death and torture to such extremity, against certain covenanters who were taken prisoners in the battle of Pentland Hills, that the king wrote a letter to Scotland, calculated to repress the severities without giving up the ministers who had directed them to be inflicted. The king said, he approved of all that had been done, but added, that there was blood enough shed; and therefore that the best of the prisoners should be set at liberty, and the incorrigible be sent to the plantations. Thus the executive power began by its own authority what the privy council (a court as odious to the memory of Scotsmen, as the star chamber is to that of Englishmen) carried into effect with the assistance of that executive power; and the crown of both kingdoms being worn by one person, by a kind of silent acquiescence on the part of Scotland, the executive government of that country was enabled to carry these sentences into execution, though she had no plantations or dependencies of her own. Thereafter the punishment of transportation came by degrees to be inflicted by the court of justiciary; and I shall presently have occasion to show in what manner the judgments of this last-mentioned

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court affect my argument. As to the privy council of Scotland, I deny the legal authority of that court entirely; I have therefore made no search into its records for the purpose of this case, because they ought to be consigned, for ever, to oblivion, as the offspring of tyranny and injustice.

Here again I must observe, that this is no theory of mine, for here again I have the authority of sir George Mackenzie to confirm my doctrine. He says in his vindication of the government of Scotland, in the reign of Charles 2nd p. 344. "As to the sending away the people to the plantations, it is answered that none were sent but such as had been at Bothwell Bridge, or in Argyle's rebellion: and it was changing a capital punishment into exile, which was an act of clemency not of cruelty." This historical remark and apology not only establishes the origin of the punishment, but shows the crime to which it was applied; and it will be seen, when I come to state the decided cases, that in conformity to this idea, there seems to be no case less than capital upon the records of justiciary, for which the punishment of transportation has been inflicted; consequently every case, without a single exception is a case of mitigation, by exchanging the punishment of transportation for that of death.

Before I proceed to state those cases to the House, I will take the liberty to point out the language which the legislature of Scotland has spoken on this subject, by which the distinction between transportation and banishment, on the ground and foundation on which I have placed it, is clearly and unequivocally proved, and the word banishment in the act 1703 made out incontrovertibly, to mean simple expulsion from the realm. There are various acts of parliament on this subject. In the reign of Robert 2nd, it is enacted in certain cases, *ut sit bannitus et exul*; and there is a series of acts from the time of James 1st of Scotland, in 1424, to the act in question, in 1703, by which banishment is made a punishment. I will not tire you, Sir, with an enumeration of the acts, they are all upon the paper which I hold in my hand, and may be referred to by any gentleman who chooses to examine it. In the acts sometimes the expression is banish, sometimes banish the realm, sometimes banish forth of the kingdom; but all these expressions, I contend, mean the same thing, namely expatriation, without confinement or restraint; and it is evident, from the state of the country, that, until the reign of Charles 2nd, they could mean nothing else. Among the statutes against leasing-making, there is one passed in 1609 the object of which may seem whimsical, as among other things, it makes it leasing-making for Scotsmen to abuse Englishmen; now-a-days, it might be more necessary to turn it the other way, and to make an act to prevent Englishmen from abusing Scotsmen. This act made the punishment of the crimes therein stated fine, imprisonment, banishment, or more rigorous corporal pain. It is a most material statute in the consideration of this question, because it is the act upon leasing-making which immediately precedes the act of 1703. I need not inform you, Sir, that one of the most obvious, and at the same time, one of the soundest rules for construing an act of parliament is, to look back and see what law it altered. If it altered the common law, by finding out that rule of common law, which it altered, you will be enabled to interpret the doubtful words in the statute. If it altered an act of parliament, the same rule applies: by examining the act which it altered, a guide will be discovered for expounding the statute of doubtful meaning. Now, Sir, let me request those who are desirous of understanding this subject, to look to the statutes recited in the preamble of the act of 1703. They will find the act to which I have just referred, viz. 1609, cap. 9, to be the last-mentioned act in that recital. This then is the statute which is to guide the exposition of the act in question, not only because it is the law immediately preceding it, but because it is an act *in pari materiâ*, upon the same subject matter with that question; and I need not enlarge upon it being an invariable rule in construing statutes, that all acts *in pari materiâ* are to receive a similar construction. The act of 1609 makes fine, imprisonment, and banishment, or more rigorous corporal pain, the punishment of the leasing-making contained in that statute. The act of 1703 makes fine, imprisonment, and banishment (leaving out more rigorous corporal pain) the punishment; therefore, upon the principles just stated, whatever the word banishment means in the act of 1609, that must be the meaning of it in the act of 1703. For that former act is not only the immediately preceding law upon the subject of leasing-making,

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but the alteration is made by omitting in the latter act of 1703, the words in the former which go to corporal punishments, and retaining those words which relate to the other and milder punishment; the words retained, therefore, must receive the same interpretation in the last as in the first statute. Now, by the act of 1609, banishment could only mean simple expatriation, that is, exile from Scotland; it could not mean the aggravated banishment of transportation accompanied with confinement and servitude in a particular district, because the court had no jurisdiction to inflict it, the legislature of Scotland, from defect of foreign colonial possessions, had no power to enact it, and usage had not in any respect sanctified it.

But the legislative exposition of the punishment does not rest here. There is another act of parliament, which passed in 1670, cap. 1, which renders it still more clear. Sir, I have already referred to the state of Scotland during the close of the last century. The violence of the government of archbishop Sharp and the earl of Middleton on the one hand, and that of the fanatics on the other, produced many extraordinary laws. Among others, the act of 1670, c. 1, was passed to compel unwilling witnesses to give the testimony against their fellow covenanters. It is there enacted, that the punishment of those who shall refuse to depone, "shall be fine and imprisonment, or banishment, by sending them to his majesty's plantations in the Indies, or elsewhere, as his majesty's council shall think fit." Now banishment by sending to his majesty's plantations is transportation. If these words had not been added, and it had stood that the punishment for refusing to depone should be banishment simply, it must have been held, according to every rule of construction, that the word banishment standing alone, did not mean the aggravated banishment of transportation, but the ordinary banishment of simple expatriation, otherwise there would have been no use in adding the words, "by sending them to his majesty's plantations," to have given it another quality, and thereby raised it to the higher punishment of transportation. But what removes all doubt as to this interpretation of the act, is this; the same statute goes on to say, "That the deposition any person may make against another, shall not infer against himself the loss of life, of member, or banishment" (without the additional words). Now, under the unqualified expression banishment, is clearly meant simple banishment, or expatriation not banishment to a particular place, as in the former clause, but banishment from the realm of Scotland. The person giving testimony, therefore, though he might have been punished under this clause, with any pain inferior to banishment, could not have been sent out of the realm of Scotland into exile. But if the words of the statute in this, as in the former clause, had been, that the persons making depositions under the authority of the act, "should not be punished with the loss of life, member, or banishment by sending them to his majesty's plantations," then the persons making deposition might have been punished with exile from the realm of Scotland, that is, with simple banishment: because the term banishment means no more than expatriation; but the superadded words, specifying the banishment to be to a particular place, namely, the plantations converts banishment into that higher species of punishment, which is understood by transportation; consequently if the law had been so worded, persons giving testimony might have been banished or sent out of Scotland; whereas, as the act stands, nobody will contend that the banishment even of simple expatriation could have been inflicted. The true criterion to prove the distinction between transportation (or banishment to the plantations) and banishment, is to consider always what the punishment would be under the one prohibition, and what under the other. The prohibition of transportation includes banishment, but the prohibition of banishment itself, excludes the right to inflict this last-mentioned punishment. This act of 1670 therefore shows, that though the Scots legislature (from that inaccurate use of words, which I have before remarked as prevalent even in the courts, and parliament of Scotland) did not adopt the language, yet it did adopt the distinction of the English legislature, by enacting banishment to a particular place, viz. to the plantations, to be the punishment in one case; while it excluded banishment from Scotland, as the punishment in another. I therefore contend, that I have established by the highest evidence of the law, viz. the language of the legislature in acts of parliament, that the distinction between the punishment of banishment and transportation was in substance perfectly known and established in the law of Scotland.

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Such, Sir, is the state of the statute law of Scotland on this subject, and such its sound construction. It is a singular feature in the constitution of the law of that country, that the effect and operation of statutes may be varied by usage, and that a series of judicial decisions will operate as a repeal of an act of parliament. If such a principle exists, to the extent contended for, every part of this discussion becomes more important from the consequences necessarily resulting from that principle. In this stage of the proceeding, however, I have no interest to combat it, because it will appear presently, that the cases strengthen my proposition; inasmuch as they show, that the judicial decisions of the court of justiciary, have not varied the punishment introduced by the act of 1703. But on the contrary, those cases, as far as they have gone, have confirmed and enforced the statute, and sustain the construction which I have put upon it.

To enable me to judge of the effect and full import of this part of the question, I have carefully examined every case in the printed books, which has any relation to the subject, and I have received minute information from the industry of persons of knowledge, capacity and accuracy, by an inspection of the justiciary records in Scotland, directing that inspection to the particular objects in question; and I think I may venture to state, without the fear of contradiction, that in the records of the court of justiciary, there is not any instance of the punishment of transportation for any crime, but such as is by the law of Scotland punished or punishable with death. It would be endless, and of no avail, to go through each case particularly, especially as the object I have in view can be attained by considering the cases under distinct classes. The classes may be distinguished into cases that are capital, and cases that are less than capital. The first class of capital cases consists of those, where the party has been convicted, and the appropriate and legal punishment was death. Such as cases of murder, rape, notorious adultery (which is death by the law of Scotland) assaulting a person in his dwelling-house, called Hamesucken (which is likewise capital by that law) coining, and other crimes. In these instances, transportation, according to the sense in which I have explained it, has been in use to be inflicted by the sentences of the court of justiciary. But as those were all of them cases, where it operated as an alleviation of the punishment which might have been pronounced, no argument can be drawn from thence to favour the legality of the sentences in question. The second class of capital cases consists of crimes, in their nature capital, where the punishment has been restricted, according to the practice of Scotland, to a discretionary or arbitrary punishment. To understand this, Sir, it is necessary to observe, that previous to the matter being referred to the consideration of a jury, there is a judgment of the court pronounced, upon what is called the relevancy of the libel, or indictment; in which the court determines the nature of the crime charged in the indictment, whether it is so charged as to be sufficient in law, and what punishment the law annexes to the crime. It happens frequently in the course of this proceeding, that the libel or indictment, although the crime it charges be a capital crime, is limited to infer an arbitrary punishment, that is, any punishment short of death, which the court chooses to inflict. In such cases as these, the court has been in use to pronounce the punishment of transportation. But this class of cases does not, any more than the former class, affect the present question, or disturb any doctrine which I have laid down, or any conclusion which I have drawn from the statute law; because the original crime being capital in its nature, to inflict the punishment of transportation was, in this, as in the former class, to use the words of sir George Mackenzie, in his vindication of Charles 2nd, mercy and not cruelty. A third class of capital cases is, where capital punishments have been pronounced, but have, by compact or pardon, been commuted for the punishment of transportation. This class of cases cannot shake my argument, because what is matter of agreement cannot affect the law.

Of crimes which might be reckoned on as less than capital, there is first of all a case of mobbing, tried in the year 1771.* In that case it appears, that some of the parties convicted were transported. But this, though it seems to form an exception to my doctrine, yet, when examined, does not affect it at all. Because, in the first place, it is clear law, and law for which again I have the authority of sir George Mackenzie, that *paritas rationis* was never held to be a reason for punish-

* Maclaurin's Criminal Cases, p. 541.

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ing crimes. But independent of that argument, the case to which I now allude, is one in which the parties are indicted upon the riot act, viz. the 1st of George 1st, which extends to Scotland. They are indicted too upon other grounds. But as far as they are charged upon the riot act, they are charged with an offence in its nature capital. The verdict is a general verdict of guilty, and the court does not distinguish, and could not distinguish, in appropriating the punishment. Consequently this, which appears at first sight a case less than capital, is in fact a capital case, and therefore forms no exception to the doctrine which I maintain, namely, that there does not appear to be any case, in the records of justiciary, less than capital, in which the punishment of transportation has been inflicted. The next case of a crime less than capital which occurs, is one of subornation of perjury,* which is, in my opinion, decisive of the whole question. The punishment inflicted by the court of justiciary upon a person convicted of that crime, as late as 1738, was banishment, with certification, that, if the party returned, he should be transported. Here then is a case less than capital, where the punishment is arbitrary, that is, discretionary, where the discretion dictated the punishment of banishment, and where the greater punishment of transportation is to be inflicted in case of return; establishing, at a very recent period, not only the gradation of those punishments, but the distinction between them. The remaining cases which fall under the class of cases less than capital, are of the same nature with those which are the object of the present discussion, viz. seditious libel. The judgments upon which put this matter, in my opinion, beyond the possibility of doubt or cavil.

Early in the present century (when there was a disputed succession, and a deposed family pretending to the throne of these kingdoms) there were many prosecutions for offences in the nature of leasing-making, by libelling the government of the country, and even the monarch himself. One of them happened in 1712; it was an indictment for leasing-making, against a gentleman for distributing medals, and making speeches in the faculty of advocates, tending to favour the pretender.† This indictment never came to trial; the diet, as it is phrased in Scotland, was deserted, and the matter was never carried farther. But though the jury did not try, nor the court pronounce judgment on the accused, it is a material case in one point of view. It shows, that for an offence of this sort (and there is no possible difference in the specific quality of that crime and of those in question) the charge was leasing-making, and there was no attempt whatever to lay it as the crime of sedition alone, although a convocation of the people might have been proved. The other prosecutions were in 1715, or near that period. They are all here before me, faithfully extracted from the records of justiciary. There are several of them, but I will confine my observations to two cases. The first, the case of Graham, Crawford, and Hogg,* who were indicted for drinking the pretender's health in the streets of Edinburgh, with huzzaing, and hautboys playing to them all the time. They were indicted for leasing-making. Sir David Dalrymple was the lord advocate who prosecuted them. What he says is very material. In his information on the relevancy of the libel, which is not a speech spoken, but a written paper maturely weighed and deliberately advised upon, he lays it down that "leasing-making is a general name for every injury tending to sedition or discord; that the crime does not consist in speaking directly against the king, but in speaking falsely to engender sedition, to the contempt of the king's authority, state, and dignity. The laws against leasing-making, he says, were anciently odious; but since the happy Revolution, that crime, amongst many others, has happily been removed. What was useful in the acts against leasing-making, was preserved by the 4th chapter of the act of 1703. The bitterness of the punishment is restrained, and so the odiousness of the law is taken off." This was the opinion of a lord advocate, deliberately given into the court in writing, within ten years after the passing of the act of 1703, when all the circumstances concerning it must have been fresh in his memory, and in that of the whole country; and when the persons who framed and passed the law must have been still alive.

The whole law, or rather the punishment of the old law, is not only reckoned odious, but it is clearly the opinion of sir David Dalrymple, that the alteration

* Maclaurin, p. 661.

† Mr. James Dundas, of Arniston: See his Case in Howell's State Trials, Vol. 15. p. 715.

* See Howell's State Trials, Vol. 17, p. 1.

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brought about by the act of 1708, according to the genealogy which I have ascribed to it, is to be traced to the Revolution; and that the object which was accomplished, namely, the restraining the bitterness of the punishment, and removing the odiousness of the law, applied not only to leasing-making or libel, but to all crimes tending to sedition and discord; for he says, in positive terms, that leasing-making is the general name for every injury tending to sedition and discord. The punishment of transportation never entered his mind, as one which the court of justiciary could inflict in such a case; because, to inflict that punishment, would have been leaving the bitterness of the punishment unrestrained, and would not have taken off the odiousness of the law. The judgment on the relevancy of the libel under that indictment was, finding the panels drinking the health of king James, and his happy restoration, relevant to infer an arbitrary punishment. Crawford is found guilty by the verdict of the jury, the others not: and the sentence inflicted by the court was a fine of fifty pounds sterling. About the same time, Oliphant, Watson and others, magistrates of Dundee, were indicted for drinking the pretender's health, and for stopping the ringing of the bells of the town on the accession of George 1st.* The libel was found relevant to infer an arbitrary punishment. The jury found them guilty, and the court inflicted the punishment of deprivation of office, incapability of enjoying office in all time coming, and a fine, with imprisonment for one month.

From these cases, Sir, I have a right to draw this conclusion; that the punishment of transportation is inapplicable to the crime of leasing-making, or to any crime tending to sedition or discord, not only upon the authority of sir David Dalrymple, the lord advocate, and of the court which pronounced the judgments, but upon this strong and unanswerable ground, that there is not any instance to be found in the records of justiciary, in which that punishment has been inflicted for such an offence: no one surely will pretend to say, that in the then existing state of the country, with a Popish pretender, a recent rebellion and the house of Brunswick but newly seated on the throne of these realms, in a part of the united kingdom where the abdicated family was known to have many adherents, and where some of the parties accused were in the actual exercise of magisterial functions, the crimes alleged, and proved, and punished, were not crimes of a most heinous nature and most dangerous tendency. From these cases, and from this deduction, I draw this undeniable conclusion, that, although transportation is an arbitrary punishment by the law of Scotland, it is an arbitrary punishment only in cases in their nature capital, because it is only in such cases that it has been used; that is, it is an arbitrary punishment in the scale downwards, but not in the scale upwards; that in that country as in this, it is a punishment appropriate to felonies, not to misdemeanors; that it cannot be ranked as an arbitrary punishment in inferior crimes, because to such crimes it never has been applied—and here again I must have recourse to sir George Mackenzie, who says, as I have already shown, that *paritas rationis* was never held by our ancestors to be a reason for punishing crimes. A doctrine which, being founded in a sound principle of criminal jurisprudence, viz. the certainty of punishments and safety of the accused, will apply universally; but which is peculiarly applicable to the understood constitution of the criminal law of Scotland, and is well illustrated by a leading and marked distinction between the constitution of the criminal law of that country and of this.

By the law of England, crimes are divided into certain generic classes, and it might, though not conclusively perhaps, be said, that you may reason from one generic set of crimes to another; but in Scotland there is no such distinction. There misdemeanor is not the genus of a distinct class of offences; but each offence of that sort stands, as it were, on its own separate and distinct ground. Therefore in reasoning on the law of Scotland, you cannot possibly reason from misdemeanor to misdemeanor and say, because one misdemeanor infers one sort of punishment, another shall infer that punishment likewise. Usage forms a most material part even of the criminal code of the law of Scotland. The inferior crimes or delicts are all distinct and specific, and not generic. Usage, therefore, in regulating punishment, should be permitted to extend only to the cases where that punishment has been used, otherwise a supposed analogy of crimes would leave all arbitrary punish-

* See Howell's State Trials, Vol. 17, p. 763.

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ments in the will of the court, and annihilate all certainty, that most necessary ingredient in every system of criminal jurisprudence. If the arbitrary punishment of transportation, therefore, has been applied to crimes capital, it is fair to say, that it may be applied to all capital crimes, because they form a general class. But if it has never been the usage to apply it to crimes less than capital, it shall not at pleasure be now extended to them. Nay, Sir, if that could be shown, which I believe cannot be shown, I mean, if it could be shown that crimes less than capital had received that punishment, I should still contend that those crimes only to which the punishment of transportation has been specifically applied could be so punished, and that no crime or offence to which it never had been applied could at this time of day, by the will of the court, have that punishment pronounced upon it. For example, if perjury had been in use to be so punished, it would not follow that libel could be so punished; if assault had been in use to be so punished, it would not follow that subornation of perjury could be so punished, because the usage which had established the punishment in one case could not, by parity of reason, be held to extend it to another; and therefore, if the crime of leasing-making, or those injuries which lead to sedition and discord, has never been punished with transportation, that punishment cannot be applied to it now. This doctrine, Sir, I persuade myself, is founded in sound sense, in substantial justice, and in the true maxims of criminal jurisprudence. Sir, it is a doctrine material in every view of it, particularly in considering those laws which have passed in the parliament of Great Britain upon the subject of transportation, because there is great danger, by combining the police regulations of those statutes with a loose construction of the law of Scotland in awarding punishments, of establishing a system which would subvert, by inference, the whole system of Scots criminal law.

Sir, I shall now show, in conformity to what I have stated in the close of my second proposition, that no statute of the British parliament has altered the law; consequently, that the court of justiciary has no power to pass sentences, which it did not antecedently possess; and that the law remains now, with respect to the crime of leasing-making, and all crimes tending to sedition or discord, precisely on the footing on which it was placed by the act of 1703. It is unnecessary to inform the House, that as to some offences, such as taking cloth from tenters, and certain offences on the borders, the punishment of transportation was enacted in the reign of Charles 2nd, soon after the restoration. But the statute by which that punishment was introduced into the law of England, as generally applicable to felonies, is the 4th of Geo. 1st, c. 11. That statute proves, that in England there was no such punishment at common law, but that it is the creature of parliament and all the statutes prove that transportation is a punishment for felonies only. The material observation at present, however, is, that the act of George the 1st ordains that nothing therein shall be construed to extend to Scotland. The first British statute upon the subject of transportation, applicable to Scotland, is that of the 6th of Geo. 3d, c. 32, and it forms a very important part of the present consideration. The practice of Scotland, as I have shown, had been to adjudge the punishment of transportation in capital offences, from the latter end of the last century, viz. from 1670 to the year 1766; when this last-mentioned statute passed, without any legislative authority whatever. At this last-mentioned period, it was found necessary to pass the act to which I have referred, which is material both in its title and preamble. It is "An act to extend the 4th of Geo. 1st so far as it relates to the more effectual transportation of felons, to Scotland." The preamble imports that there were certain provisions in the 4th of Geo. 1st respecting the contracting for the servitude of the persons transported, which it would be convenient and necessary to extend to Scotland. It therefore enacts, that it should be lawful to contract for such servitude, so often as any sentence of transportation should be inflicted. This act I admit, to the fullest extent to which it can be contended, is to be considered as a statutory recognition of the punishment of transportation by the law of Scotland, because it is an act applying a regulation of police to a punishment supposed, by the very application of the regulation, to have a pre-existence. But the question is, what did it recognize, and how far forth did it sanctify the application of that punishment? I say it must be held to have recognized it so far

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as it had been used; and not one hair's breadth farther. Therefore, as the punishment of transportation does not appear to have been inflicted, in any case within the jurisdiction of the court of justiciary not in its nature capital, so the recognition is limited to capital crimes, and cannot be extended to any offence of a lower denomination. I admit that it sanctifies transportation as an arbitrary punishment—but as an arbitrary punishment for capital crimes only; that is, as an arbitrary punishment in mitigation, but not in aggravation—or, in the language of sir George Mackenzie, as an act of clemency, not of cruelty. And so the act is framed, for it is clear that it means only to regulate the punishment of capital offences, as is evident from its second section.

Upon this footing, the law stood from 1766 to 1785, when the separation from America, and the impossibility of transporting to that country rendered the act of the 25th of Geo. 3d c. 46 necessary. That act proceeds upon an act in the preceding year, regulating the transportation of convicts from England. The object of the English statute was, to enable the courts to order persons liable to the punishment of transportation to be sent to such places as his majesty, with advice of his privy council, should think fit; and in the speech from the throne, at the commencement of the subsequent session of parliament, his majesty intimated that Botany Bay, in New South Wales, was to be the place. The act upon which I have been observing did not include Scotland by name, and must therefore have been held not to have extended to Scotland.* It is in the nature of a mere regulation of police, substituting a new place of transportation in the room of America, to which we could no longer send our convicts. The act respecting Scotland, viz. the 25th of the king, c. 46, follows the English act verbatim in its title, and accurately in its object; it must be considered, therefore, as embracing the object of police or regulation only, in consequence of the loss of America, and cannot be supposed to have had in view any alteration in the penal code of Scotland. Of course, it must be construed so far as to confine its effect to the object of police; and indeed, Sir, it would be a most grievous and alarming consideration, if it were possible by implication to make an alteration in the principle of the law, where all that was meant, was a regulation as to the mode of executing a sentence. Hence I contend, that the construction of it must be *strictissimi juris*, without enlargement by implication beyond its meaning or professed object. Having seen that its object is mere regulation of police, let us next consider its enactments. It enacts, that "when any person shall be convicted of an offence for which the punishment of transportation or banishment beyond seas may be inflicted, it shall and may be lawful for the court to adjudge him to be transported to whatever place his majesty, with advice of his privy council, may direct."

The question then is, does banishment beyond seas carry the power of the court higher than it stood before? To which I have no difficulty in saying, that it cannot be so held. 1st. Because it is a law of police and must not be permitted to alter the criminal code, where that code limited punishment to simple banishment or expatriation, without the aggravations of confinement and servitude attendant on transportation. 2dly. Because, applying it to the subject under consideration, it is to be held, that whatever was the punishment which the act of 1703 imposed, that is the punishment lawfully to be inflicted, and no other mode of exile more aggravated in its nature. By act of 1703, banishment from Scotland only is meant, as I have already shown; consequently banishment beyond seas, could not be lawfully inflicted on the crime of leasing-making, if by banishment beyond seas be meant the power of detaining the person so sent beyond seas in confinement in a particular place; and if so, the act of the 25th of the king, c. 56, does not by means of these words make any alteration in the law as to the subject under consideration. Next, it is clear that the words, banishment beyond seas, may fairly be construed to be synonymous with transportation, and to mean the same thing, or to be a mere explanation of that word. And what confirms me in that opinion is, the form and phrase of the act of the 6th Geo. 3d. There the word transportation alone is used without any explanation; yet every thing which relates to the mode of carrying transportation into execution,

* It is intituled, "An act for the more effectual transportation of felons, or other offenders." It is 24th Geo. 3d c. 56.

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which can be done under the 25th of the king, could have been done under the 6th of the king, and therefore the words banishment beyond seas, carry the case no higher in any respect than it stood before, the 25th of the king. It is impossible to argue, that if the offences under consideration had been committed, at any period between the years 1766 and 1785 (that is between the 6th of Geo. 3d and 25th of Geo. 3d), that there would have been any pretence for extending the punishment of transportation to leasing-making, or to any crime tending to sedition or discord under the words of the act 1766, or under its general import; and surely accidental words of mere tautology shall not be construed to have that effect, especially when no intermediate case has happened to justify a stretch so unthought of, and so extraordinary. But, Sir, if these words could be construed to have the effect of thus altering the law, it is clear that it was not the intention of the legislature to make that alteration; but that it is purely the result of an unobserved and accidental expression having found its way into this act of parliament, viz. banishment beyond seas. In that view of the case shall it be said, that this House will stand by and see a sentence executed under such circumstances;—warranted neither by the statute law of Scotland, by the general system of the Scots criminal code, nor by the analogies of the law of England, without endeavouring to stop it in its course? Other important observations arise on the act 1785;* for example, "it is enacted, that if the transported person shall return to Great Britain or Ireland, that he shall (upon being lawfully convicted) suffer death, as in cases of felony, without benefit of clergy." This clause is likewise to be found in the act of the 4th of George the first. It is likewise material to observe that that clause is included in all the acts from the time of Charles the second, down to the 25th of the king, c. 46. From hence I draw this conclusion, that without the enactment of the legislature upon every new system of regulation for transporting criminals, it would not be lawful for any court to inflict the pain of death upon return; and as parliament has observed the same rule in the statutes which relate to Scotland, as in those which relate to England, I contend, that the observation is equally applicable to Scotland and to England. So that the legislature by inserting that provision in the act of the 25th of Geo. 3d shows that parliament did not think the power would extend to a return from Botany Bay, because it had been enacted in the 6th of Geo. 3rd with respect to returns from America.—If I have been successful in showing that the act of the 25th of the king does not apply to the case of leasing-making, or to offences tending to sedition or discord, and does not vary or alter the meaning of the word banishment in the act of 1703, it follows as a corollary from that proposition, that the punishment of death upon return cannot be legally inflicted.—And when it is recollected that the view and object of this last-mentioned act was to repeal the punishment of death, in all the cases of public libel or leasing-making, to which, by the old laws of Scotland it had been applied; and that it enacts, that if the party is poor, and cannot pay a fine, he shall be punished in his body, life and limb being always preserved; it confirms that part of my second proposition beyond a doubt; viz. "That annexing the penalty of death upon return, is an aggravation of the punishment, not warranted by law."

Sir, there is another most extraordinary circumstance in this sentence; which, though I do not rest upon it as affecting this case, fundamentally, yet I cannot pass it over entirely. It is a powerful instance of the ill consequences that arise from the want of an appellate jurisdiction. The act of the 25th of Geo. 3rd says, if the transported person returns to Great Britain or Ireland, he shall suffer death. The sentence says, (and I speak from an authentic official copy, for in such a case, I could not but distrust the printed account, till I found it coincide in this, as in every thing else, with the office copy of the record) I say, Sir, the sentence is, that if after being so transported, Mr. Muir shall return to, and be found at large within any part of Great Britain during fourteen years, he shall suffer death, as in cases of felony, without benefit of clergy. So that the act says one thing, the sentence says another. The act says, he shall be liable to suffer death if he returns to Ireland, or to Great Britain: the sentence says nothing of Ireland. Sir, the sentence should run in the very words of the act, otherwise it misleads. *Ignorantia juris neminem*

* 25th of Geo. 3rd. c. 56.

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excusat, is a principle of law which must pervade the jurisprudence of every civilized nation. Without such a principle, laws, both civil and criminal, would be incapable of execution, and therefore it behoves courts of justice the more to take care that their sentences run in the terms of the law; otherwise they operate as snares to the objects of them. What so natural as that the offender should look to the sentence only? If he does in this case, he might think himself safe to return to Ireland; and yet if he returns there, he will be liable to be executed as a felon, because ignorance of the law is no excuse. For although the sentence omits Ireland, the statute includes it, and the statute, and not the sentence, constitutes the law. If, on the other hand, it should be contended, that the court in its sentence is not bound to follow the act, it then comes to this, that the act is no part of the present consideration, that the judges probably did not read it, that they certainly did not proceed upon it, and consequently that the law is not varied by it: for it cannot be asserted that it varies the law, so as to cover the sentence, and yet that the court is entitled to deviate from the act of parliament which makes the law. This, Sir, undoubtedly, is a most serious feature, not only in this case, but in the whole system of judicial jurisprudence in Scotland, in criminal matters. In this stage of the argument, Sir, I do not hesitate to assert, that I have said enough to show that grave and serious doubts exist with regard to these sentences in point of law, and that the crime, charged in the indictment, being nothing else than leasing-making, the punishment would follow the statute of 1703; of which the highest punishment is banishment; that no higher punishment could be inflicted, than mere expulsion from the realm, that is, from Scotland; that although the party might be carried beyond seas, by the mode of executing the sentence of banishment, yet he could, afterwards, go, at his pleasure, to any part of the world but Scotland.

Having thus gone through the second proposition which I had the honour to lay before you, in the commencement of what I have said, I proceed now to show, according to my third proposition; "That if the acts charged in the indictment do not constitute the crime of leasing-making, or public libel, the indictments charge no crime known to the law of Scotland." First, "Because there is no such crime known to the law of Scotland, at common law, as sedition constituting a distinct and separate offence: and the offences in question do not fall within the statutory seditions." Secondly, "Because if there is such a crime, at common law, these indictments do not charge it, and it would be contrary to law to punish that offence by transportation, and not warranted by law to inflict the pain of death for returning from such transportation." Of the important and weighty considerations in this momentous cause, this seems to me to be the most weighty in its principle and consequences. The other parts of the case, are grave and interesting; but this, if I am not mistaken in my conception, oversets the most important maxim that is to be met with in the whole circle of judicial jurisprudence. The maxim to which I refer, is that short but material one, that the office of a judge, or court of justice, is, *Jus dicere*, not *Jus dare*, to interpret law, not to make law. If the judicial power in any instance usurps the right of making laws, the consequence must be uncertainty, tyranny, and oppression. Yet if the crime of sedition, as contended for, under these recent cases, exists in Scotland, I will venture to assert, that it can stand on no other ground but that most dangerous assumption of the legislative power, by the judicial.

Sir, I have heard that it has been said, in the course of the late proceedings in the court of justiciary, "That alterations in the state of society produce new manners, that new manners produce new vices, and new vices produce new crimes." From which the inference to be expected is, that the legislature should regulate and provide for their trial and punishment. No, Sir, no such thing. The inference which has been made is, "That the court of justiciary has an inherent power to pronounce upon the new crimes, and to appropriate such a punishment to them as they shall think fit." It would be a great relief to me to hear a denial of this representation. But if it was said, then I ask whether there ever was a doctrine held by the star-chamber, or high commission court, which went more directly to the insecurity and oppression of the subject? And yet, without some such doctrine as this, I do not know how the crime of sedition, as contended for, in support of these judgments, can be maintained.

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There are two classes of statutes relative to sedition, besides those against leasing-making. The one class relates to risings or conventions in burghs, without authority. It will not be asserted, that the cases of Mr. Muir and Mr. Palmer fall under them. The other class relates to conventicles, or unauthorised assemblies, convocated for the purpose of seditiously promoting a certain form of church government. They were enacted upon the occasion of the religious commotions of the last century. They are all repealed, expired, or gone with the occasion which gave them birth; and it would not, at any rate, be said, that they apply to the cases of Mr. Muir and Mr. Palmer. There being no other class of statutory regulations which ranks sedition as a crime, its existence, in the sense contended for, must rest either on the proposition which I have stated, and which, I am sure, nobody in this House will venture to maintain, namely, that the judges may make law, as well as interpret law; or upon some authority equal to statute, namely, a clear unequivocal usage, and an acquiescent legislature, which may constitute something like common law upon the subject. Now, Sir, though I cannot have looked with my own eyes into the criminal records of Scotland, yet I will venture, upon the investigation which has been made under the direction which I have given, to assert three propositions, all of which I defy the learned Lord Advocate, or any other person, however versed in the law of Scotland, to contradict. First, I assert, that there is not a single instance to be found in the records of justiciary, where the crime of sedition has been tried distinctly from treason or leasing-making. Secondly, That there is not a single instance of sedition, indicted, tried, and punished as a crime at common law, by itself. Thirdly, there is not a single instance of sedition being punished with transportation.

All these propositions are conceived in a negative form: yet, bold as it is thus to assert negatively, I have no difficulty in asserting them. If these facts cannot be contradicted, I am then entitled to say, that there is no one requisite which can bring the crime of sedition, and the punishment of transportation for that crime, within the principle of common law; for if there is no instance of an indictment for the crime by itself, and none of the punishment of transportation having been inflicted, even, when it has been indicted for, in conjunction with another offence, there cannot have been any acquiescence or usage to establish its existence as a distinct indictable crime. The only other offence, to which the term of sedition is applied, is the crime of *seditio regni*, which was a crime of a higher nature, and amounted to treason. It is clear, from one of the most ancient authorities in the law of Scotland, the *Regiam Majestatem*, book 1. chap. i. § 4 and 5, book 4. chap. i. § 2 and 5, that sedition, or *seditio regni*, was a crime consisting of acts, and not of words, aiming at the overthrow of the king and government; and that it fell within the description of treason, and was considered by sir George Skene, a lawyer and antiquary whose authority will not be disputed, as treason. It appears from sir George Mackenzie's Criminal Law, book 1. tit. 7. on sedition (as I have already had occasion to show, in reasoning upon the form of the indictment) that there is a clear distinction between the sedition, which amounts to treason, and the sedition which is analogous to riot; he terms this last, as I have already stated, simple convocation, and says it is not held generally to be *crimen per se*; and he lays it down distinctly that there is no gradation between the sedition of treason, and the sedition of simple convocation of the lieges,* so that there is, not only, no case to support the crime and punishment of sedition, as distinct from leasing-making, but all the general doctrine is decidedly adverse to the possibility of such a distinction. It seems as if all crimes against the state in Scotland had their origin in statute, and that between *seditio regni*, which is treason, and leasing-making, or simple convocation, with the exception of the statutory crimes within boroughs and in conventicles, already alluded to, there is no intermediate offence; a doctrine which is confirmed by the opinion of sir David Dalrymple (in the case of Graham) in 1715, to which I have already referred, and on which I will not again enlarge.

Under this part of the law, a very serious consideration arises. Let us suppose that the whole state law of a country has rested on statute only, and that

* Lieges means the people—those who are bound to allegiance.

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any part of the statute law is repealed, and nothing put in its place by the legislature; is it clear that by this act of repeal, a new crime rises at common law, as a necessary consequence of that repeal; and that it rests with the will of a court of justice, to ascertain the nature of such an offence, and apportion its punishment? Such a doctrine would completely overset the maxim to which I have referred; that judges ought to interpret law, but ought not to make law. I take it, Sir, that there is a fundamental distinction in this view of the subject, between crimes which are *mala in se*, and those crimes which are in the nature of *mala prohibita*. In the first case, the crime would revert to its original order; in the second, the question with me is, whether it would not sink entirely, until created again, by an act of the legislature. For example, Sir, by the law of Scotland, murder in trust, that is, a school-master or guardian murdering his scholar or ward, was treason. By the treason laws of England being extended to Scotland, that crime is no longer treason; but it does not therefore cease to be a crime, for this powerful reason — The crime of murder is *malum in se*, and is prohibited by the law of nature, which is the common law of every civilized community; consequently it returns to that class to which it originally belonged, and is triable and punishable as the crime of murder. But it does not follow that such is the case with crimes of positive institution; and therefore when state crimes have stood invariably upon statute law, if those statutes which created them are taken away by statute, it should seem that the legislature which takes them away, must put something in their place; otherwise, if it is left to the courts of law to act without statute, the judicial power would be confounded with the legislative, and judges might, according to their fancy, create what crimes, and inflict what punishments, they pleased. So that if sedition was formerly enacted to be treason by the law of Scotland, and those treasons are repealed or varied by the act which made the treason law of England extend to Scotland, the treason of sedition is of course annihilated, but it does not follow that another offence of sedition rises at common law.* In no view of this subject, therefore, can it be said, that the crime of sedition exists in Scotland, at common law, *tanquam crimen per se*. Far less can the punishment inflicted be founded in law, for no instance of the punishment of transportation can be shown, in the records of justiciary, in any case of leasing-making; and no trial whatever for sedition alone, excluding always that sedition which amounts to treason. When to this I add the momentous consideration, that the court of justiciary, in which this legislative power is said to rest, is a court from which there is no appeal, but that it is at once original and final, I cannot, for a moment, give my assent to the doctrine contended for, in support of these judgments being justified on the footing of the charge being for sedition generally, without admitting that there exists in this country, which boasts of its freedom and its laws, a system of judicial tyranny, as dangerous as any that ever was contended for in the arbitrary reigns of the race of Stuart.

Upon the whole, Sir, I feel myself entitled to conclude, that the legality of these judgments is most questionable, because the crime charged in the indictment is merely leasing-making; because the statute of 1703, limits the punishment of that crime to fine, imprisonment, and banishment, by which word banishment, is meant simple expatriation, unaccompanied with the aggravating circumstances which attend transportation, because the pain of death is taken away by the statute of 1703; and yet by the sentences, death is to be inflicted in case of return: and, lastly, because there is no common-law crime of sedition, taken by itself separately and distinctly, nor any instance whatever of the punishment of transportation for that crime to be found in the criminal records of the court of justiciary. From all which I draw this unanswerable conclusion, that what should lead to the reversal of the sen-

* The doctrine here laid down is effectually proved, by the conduct of the Parliament of Great Britain, in assimilating the treason laws of England and Scotland. By the 7th of Anne, c. 21, sect. 7, it is particularly provided, that theft in landed men and other crimes, which were treason by the law of Scotland, should thereafter be considered as capital offences; so that the statute even exceeds my position, by not leaving it to the common law to punish those offences as *mala in se*.

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tence in a court of law, upon the ground of legal error, should determine this House to address the throne for mercy, as the only means left to attain the ends of justice. I am perfectly sensible, Sir, of the unavoidable length of the subject which I have thought it my duty to bring forward. But the importance of the case to the public, and the necessity I feel, on my own account, to make out every point, in a question which brings before you the conduct of a supreme court of judicature, in matter of law or discretion, make me hope that you, Sir, and the House, will continue to me, that favourable attention which you have hitherto shown, especially as I can promise that the topics which I am now about to agitate, are of a more interesting nature than that long legal discussion which I have been under the necessity of laying before you.

I now proceed to state certain specialities in the case of Mr. Muir, which do not constitute legal error, but which, according to the law of this country, would induce a court of justice to grant a new trial, and should therefore induce this House to adopt the motions with which I shall conclude. According to the practice of Scotland, if a party is once condemned, however evident it may be that he has not been properly tried, he has no remedy, but must resort to the mercy of the crown, or the interposition of parliament. In the case of Mr. Muir there has been a mis-trial. First, because evidence was admitted against him, which ought not, according to law, to have been admitted. Secondly, because persons were permitted to pass upon the jury, to whom there was a legal ground of objection. Lastly, because a witness, who was called in his defence, was committed for prevarication, prevented from being examined, and his testimony withheld from the consideration of the jury, notwithstanding the interposition and application of Mr. Muir to have him examined. It will be necessary, in order to make the first of these objections intelligible, that I should explain to the House a circumstance of a peculiar nature in the criminal law of Scotland. By that law, under an act of the twelfth parliament of James sixth of Scotland, and first of England, cap. 151, it is ordained, "that in time coming, all criminal libels shall contain, that the persons complained of are art and part of the crimes libelled, which shall be relevant to accuse them thereof, so that no objection or exception take away that part of the libel in time coming." By art is meant, that the crime was committed by his contrivance; by part, that he was a participator in it. In one word, it is analogous to the term accessory in the law of England. From the statute just referred to, the person charged as principal could likewise be charged, in the same indictment, as accessory to those very crimes with which he was charged as principal. But then it is clear, that the charge of accessory cannot, by the words of the statute, apply to any other crime than the principal crime charged or libelled, nor to any other time than the time laid in the indictment.

All that the statute does, is to prevent the indictment from being defective in law, because it contains allegations that the party charged as principal, is accessory to those very crimes with which he is charged as principal. Accordingly, in this indictment, Mr. Muir is indicted as being art and part in the crimes with which he is charged principally. It is material therefore to see what the principal crimes are of which he is accused, and what the time is when he is said to have committed them. The acts of criminality charged are, having endeavoured, by speeches, to inculcate seditious doctrines at certain places specified. Having distributed Mr. Paine's works, certain passages of which are set forth in the indictment of criminal libel. Having put into the hands of one William Muir, a work called the Patriot, and having laid before a meeting of the Friends of the People in Edinburgh, the address of the united Irishmen. These are the specific offences charged, and the time of committing them is set forth to have been in the months of September, October, November, and December, of the year 1792. It appears from the trial that Robert Weddell, a witness for the prosecution, was asked, if he remembered Flower on the French constitution, being mentioned by Mr. Muir, and what was said of it? Mr. Muir objected to this question, because nothing respecting that book was charged against him in the indictment. The lord advocate contended that he was entitled to support the general charge of sedition in the minor proposition of the indictment, by general evidence. Mr. Muir said, he could not be permitted to prove the murder of Wil-

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liam, under an accusation of the murder of John; so the inquiry about Flower's book could not be admitted where the charge was publishing Paine's. Mr. Creech's account says, that the Court was going to give their opinion, when the lord advocate said, he would not give them the trouble, as it was a matter of no importance. The other accounts of the trial say, that the court did give their opinion in favour of the evidence being admissible under the general charge of art and part, or accessory; and that the lord advocate then declined proceeding. This part of the trial, therefore, only shows the tendency of the practice and opinion of the court, without forming a ground of objection, the evidence not being pressed. But in the trial by Creech, it appears, that the same principle was insisted upon by the prosecutor, and ruled by the court. Anne Fisher, a menial servant in Mr. Muir's family, says, "That she remembers Mr. Muir speaking of the courts in this country, and saying a reform was necessary in the court of session and justiciary; that there was much nonsense in the lords coming in parade into Glasgow, and that the court got their money for nothing, but passing sentence on poor creatures; that after a trial in Glasgow, where Mr. Muir was advocate for two soldiers, he said, he had told the court and jury what they might expect." "Mr. Muir here objected to the witness's observations on his slandering the court, being admitted as evidence, on the same grounds as before, as such a charge was not to be found in the indictment."

"Lord Advocate. The question is simply this; has the panel done any thing feloniously or seditiously against the king or constitutional government of the country? and to establish this I may draw my evidence from every quarter, and from every subject, not merely from people in the streets, but from his domestics; nor am I obliged in the indictment to go into a full condescendence of facts; otherwise I might have made it large enough to have encircled the room."

"Mr. Muir.—I mean only to state a broad fact, which is, that all criminal indictments should be particular, and the facts specially condescended upon; that if I am accused of murdering John, I may not be charged with murdering James; so for the same reason, if I am accused of sedition, the facts intended to prove that, must be fully stated."

"The court were of opinion, that the general terms of the indictment were sufficient to warrant the questions relating to the courts, which were a part of the constitution of the country; that the statute, 6th Jac. 1st. allowed other facts to be adduced to establish the general crime charged, and therefore repelled the objection."

By this decision, matter was permitted to go to the consideration of the jury, which upon every principle of law ought to have been withheld from them. And here again, sir, I call to my aid, the supporter of the duke of Lauderdale, and the apologist of all the judicial tyranny of the reign of Charles 2d. Sir George Makenzie, in his Criminal Law, title "Art and Part," lays it down, that the crime which is laid as the principal crime is that alone, to which the evidence, under the charge of accessory, can apply. But, sir, it seems, as it were, an insult upon common sense, to have recourse to legal authority to inforce this argument, because it is founded in the invariable and immutable rules of justice, which must equally pervade the laws of all civilized countries; unless we are to learn now, for the first time, that the very first, and most obvious principles of criminal jurisprudence are no longer to form a part of the system of our penal laws. I assert that the law of Scotland, as well as the law of England, requires, that a person accused should have the crime specially set forth, and the time and place of commitment assigned. The law of England has been in this respect subject to some ridicule, because, though a day must be laid in the indictment, that day need not be adhered to in proof. It is to be remembered, however, that though the day laid may be departed from, still a particular day must be proved; so far precision is required. The law of Scotland may admit of still greater latitude as to time, but even the law of that country does require, that some particular time should be specified. In the indictment against Mr. Muir, the crimes are particularised, the place of committing them is set forth; and it is laid, that they were committed some time within the four months of September, October, November, and December, of the year 1792. The accused then comes to defend himself against the charge of having committed the specified crimes, at the specified places, and within the specified time, when he finds two words, art and part,

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introduced into the indictment, under which the court think it lawful to permit evidence to be given of any act he may have done, or any words he may have used, at any period of his life, in moments of domestic privacy and inadvertence, to be proved by a menial servant who may have listened at the door, or been attending the family in the season of careless conviviality. Is it possible that a doctrine so subversive of justice, tending so directly to mislead the accused in his defence, and to take him so perfectly unprepared, can be the law of any country that calls itself civilized? Or that an act which passed at the very beginning of the seventeenth century, merely to entitle the prosecutor to charge the principal as accessory, without rendering the libel void in law by a defect of form, should be construed in the end of the eighteenth century to authorize a species of proof, of which the indictment gives no notice? What innocence is safe, what virtue is secure under such a system? The crimes charged are specific; among them there is not a hint of any abuse of the courts of law, yet that fact is given in evidence; a fact equally calculated to prejudice the jury in their verdict, and the judges in their sentence. For what breast is so armed against prejudice, as not to be affected by an attack upon what they may conceive to be their dignity and justice? The tendency of the fact, therefore, as well as its being no part of the crime charged, is an additional reason against its being admitted in proof. But the fact charged does not fall within the time laid, it relates to another period, and to matter (if it took place at all) quite distinct from that which is the subject of accusation. Sir, if in this extensive and various subject there did not exist another consideration, I should say, that this alone was sufficient to prevent Mr. Muir from being transported to that loathsome seat of crime, desolation, and military despotism.

I now proceed to state the objection respecting the jury which was impanelled to try Mr. Muir. It will not be necessary for me to consume any part of the time of the House, by establishing, that challenges to the jury, for cause, in such a crime as that under consideration, is competent to the accused by the law of Scotland, because the conduct of the court admits the right to its full extent. If it were necessary, or if it should be denied, I am ready to argue it, and to establish it from acts of parliament, from precedents, and from the authority of Mr. Maclaurin, now a lord of session, by the title of lord Dreghorn, a most enlightened and liberal reporter of Scots criminal cases. When the five first jurymen were called to pass upon the trial of Mr. Muir, it appears, both from the official copy of the trial, and from the printed trials before me, that Mr. Muir objected to them as members of an association called the Goldsmiths-Hall association; and that the solicitor-general answered the objection. From the official copy of the trial it appears, that the objection was repelled. In the printed trial by Creech, the lord justice clerk is made to say, "that it would go to exclude every man who had taken the oaths to government." Sir, I have already stated that one of the charges against Mr. Muir was the publishing and disseminating Paine's book. Now, Sir, one of the declared and express purposes for which the society at Goldsmiths-Hall was associated was, to counteract seditious doctrines. Another object was, to check and counteract the measures taken to bring about a reform in the representation of the people in parliament. As far as these objects go, and as far as I have yet stated them, there certainly was nothing in the conduct or opinions of the members of the association of Goldsmiths-Hall, which could have constituted a valid legal objection to their being upon the jury of Mr. Muir. But Sir, that association went a step farther, and upon that the objection rests. In the first place, they had offered a reward to any person who should discover the circulators of Paine's works, in order that they might be brought to justice. So that the members of that association had actually decided upon the guilt of that particular act with which Mr. Muir was charged, namely, the disseminating and circulating Paine's works. To admit such persons upon his jury, could be attended with one event only, his necessary and inevitable conviction. It never could be imagined that those who had offered a reward for discovering the person who should circulate that work, in order that he might be brought to justice, would fail to find him guilty, when they should be called to sit in justice upon him; for the very terms of their association decided upon the criminality of the work, by an extra-judicial decision that it was libel-

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lous. But, Sir, there is still another ground of objection to the members of the Goldsmiths-Hall association. Mr. Muir, and other gentlemen who belonged to a society for parliamentary reform, went and signed the association at Goldsmiths-Hall. The association struck his name from their book, and in other respects, expressed an opinion of the criminality of the objects of the society for parliamentary reform. The question, Sir, is not whether those objects were criminal or innocent; but whether the members of the association had so expressed themselves? If they did so express themselves, I venture to say, that there is not a principal of law, or justice, upon which it could be pretended, that they were admissible as jurymen; or, being admitted upon the jury to try Mr. Muir, a pretence for saying that he had a fair trial. But, Sir, I do not rest on general principles of substantial justice, nor on reasons of analogy to the law of England; I say the case has been solemnly and judicially decided in the law of Scotland. In the year 1635, lord Balmerino was indicted for this very crime of leasing-making. The trial, though a Scots case, is to be found in the State trials.* By the practice of Scotland, when a peer was to be tried, his jury consisted partly of noblemen, and partly of men of great landed property. Lord Balmerino objected to lord Marshall being one of his jury alleging that he had used expressions which implied that he considered him (lord Balmerino) as guilty. It was left to the oath of lord Marshall. Lord Marshall swore, that he had never used such expressions, and he was permitted to pass upon the Jury. Lord Balmerino made the same objection to lord Dumfries. It was put to lord Dumfries' oath. He swore he had never expressed himself as supposed. Lord Dumfries was permitted to pass upon the Jury. The objection was then made to lord Blantyre. It is alleged against my lord Blantyre, "That he cannot be upon the assize because he had publicly reported to sundry, that the panel, in his judgment, was guilty of the *dittay*, and cannot be cleared thereof, which they refer to his lordship's oath, who being sworn, said he could not deny that he had spoken such speeches; whereupon he was repelled, and ordained to stand aside." Sir, it is impossible, if I had been to invent a case on purpose, that I could have thought of one more precisely calculated to meet every fact and principle for which I contend, on the present occasion. The members of the Goldsmiths-Hall association had, to use the language of 1635, "publicly reported to sundry, that Mr. Muir was guilty of the *dittay*, and could not be cleared thereof." For they had resolved and published, that the matter with which he was charged was a crime, and they had assigned it as a reason for striking his name from the association, that he had actually done those things which they had declared generally to be criminal. Sir, the objection is no personal reflexion on the individuals who composed the jury, some of whom I know intimately, and value sincerely. A legal objection never can be a personal reflexion in any fair or candid view of it. I insist then, Sir, that, both upon principle and precedent, the objection taken by Mr. Muir to the first five jurymen, ought to have been admitted, and, that not having been admitted, he was not tried pursuant to the rules of law. If the case had happened in this country, he would, upon this ground alone, have been entitled to a new trial; or in those cases, where the form prevents a new trial from taking place, the execution of the sentence would have been suspended, till the legality of the admission had been discussed by all the judges of England. In Scotland the usage does not admit of any such proceeding, or any such relief; so that the only means by which this mis-trial can now be remedied, is by the merciful exercise of the prerogative of the crown in alleviating or pardoning the sentence which has been pronounced.

The next point to which I mean to call the attention of the House, is but a word; it relates to the evidence of a person of the name of William Muir, who was called as a witness for the prosecution. He refused from a conscientious or religious scruple to take the oath, upon which he was committed to prison, and informed by the court, as well as by the learned lord opposite to me, that he must remain there for life, for that they knew of no law by which he could be liberated. Sir, an opinion so preposterous in itself, and so contrary to all sound, legal, and constitutional doctrine, ought to be stated, were it only that it might be reprobated. But I state it, because I conceive it likely to have operated, not

* See Howell's State Trials, Vol. 3. p. 591.

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only upon that witness, who was afterwards persuaded to give up his scruples, and take the oath, but because other witnesses might be intimidated, and consequently that it is to be considered as a circumstance tending to produce an unfair trial.—The next subject of consideration is, the conduct of the court, with respect to the evidence of John Russel, who was called as a witness by Mr. Muir, in his defence. By the law and practice of Scotland, every witness, before he is examined upon the principal matter, is asked certain preliminary questions, to ascertain the credit that is due to his testimony. One of those questions is meant to discover, whether he has received partial counsel or advice, as to the evidence he is to give. I agree that it is necessary, that the witness should answer the initial questions before he is permitted to be examined; that is to say, if he were, contumaciously, to refuse to answer, his testimony could not be received, because he had resisted what the law requires. Were the present case of this description, I should have nothing to offer to the House upon the testimony of John Russel. The case upon which I have to observe is of a very different sort. The office copy of the trial, states, "It being observed by the court that this witness (John Russel) had been guilty of concealing the truth, therefore the justice clerk, and lords commissioners of justiciary ordain him to be carried to prison for concealing the truth, there to remain for three weeks." The printed trial by Creech, states that "John Russel, merchant, on being asked the usual question, if any body had instructed him what to say? replied, that he had received general instructions to tell the truth.—Being asked, where or from whom? said he could not recollect—Having produced his citation, it was found to be dated but four days before; and as this conversation had happened since that time, he was told, that he must certainly be able to recollect some of the particulars; but on his still persisting to say he could mention nobody's name who had spoke to him on the subject, the lord advocate moved, that he should withdraw, and observed, that as there appeared evident signs of a desire to conceal the truth in this man, he hoped their lordships would punish him by ordering him to be committed to prison. Mr. Muir was going to say something in behalf of the man; when the lord justice clerk stopt him by telling him he had nothing to say in that question; and the court then ordained John Russel to be committed to prison, there to remain for three weeks, for concealing the truth upon oath." From both these accounts, it appears that the witness was not rejected for contumacy, but that he was charged with having concealed the truth, in his manner of answering to the preliminary questions. The prevarication, not the contumacy of the witness, was the reason for not examining him, and for committing him to prison.

Upon this state of the case (in which the records confirms the account contained in the printed trial) it is clear upon every principle of justice, and upon every technical rule of Scots law, that the defendant was entitled to the benefit of Russel's testimony; and, therefore, refusing to hear his testimony constitutes a mis-trial, in so far as his evidence might have materially affected the verdict of the jury and the judgment of the court; and here again I must have recourse to the minister of Lauderdale's oppression, to support and enforce my argument. Sir George Mackenzie lays down the distinction between competency and credibility in clear and perspicuous terms, as a distinction well known and recognized in the criminal jurisprudence of Scotland; and indeed it is impossible that the distinction should not exist, wherever law exists, for it is a distinction essential to substantial justice. In the 255th page of his Criminal Law, that author says, there is one set of objections which go to the persons of witnesses, and another set of objections which go to what they say; that is, in other words, there are objections to their competency, or to their being admitted at all, and there are objections to their credit, or to the effect which should be given to their testimony. Now, Sir, I maintain that the objection to the testimony of John Russel went to his credit, and not to his competency. Had he refused to speak at all, he might have been rejected for the contumacy of that refusal: but by the very statement of the ground of his commitment, it appears that this was not the case; for he was committed for concealing the truth, as appears by the entry in the office copy of the judgment. If I were inclined to argue the question upon the strict words of the entry on record, there is not, I will venture to say, the shadow of an answer to be given to the objection of rejecting this witness;

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for concealment of the truth is matter that goes merely to the credit of the witness. But I admit (although it does not appear from the record itself) that the concealment or prevarication took place in the initial question; and cannot be applied to the principal matter. But I deny that this makes any difference as to the real merits of the case. At whatever stage of the examination it took place, if it was a concealment of the truth, or prevarication even amounting to perjury itself; I insist upon it, that it is a question of credibility and not competency. Sir, I see over against me, learned gentlemen, who frequently act in the character of supreme judges. I ask those gentlemen then, whether in dispensing justice they do not consider credibility, as a question of fact; whether when they assume to themselves the right of deciding as to the competency of a witness, they do not with the utmost caution, leave the credit due to the testimony given by a witness to be decided on by the jury as matter of fact; and whether they durst venture to dismiss a witness without examination, because he had delivered his testimony in a prevaricating manner, or even in a manner which might require his being committed for perjury, provided there was no objection to his competency? Sir, I know that no person entrusted with judicial authority in a court regulated by the principles of the English law, will venture to accept my challenge, and I am confident that the same rule is equally well established, and ought to be equally well observed in Scotland.

I would ask the same gentlemen, or any others, not only capable of making a legal distinction, but capable of drawing those conclusions which are the result of plain common sense, whether prevarication, or that conduct upon the part of a witness, which leaves the truth or falsehood of what he says, as a matter to be weighed and considered, is not uniformly and invariably a question of credibility, and consequently a question of fact for the jurisdiction of the jury, and not matter of law for the court? I conclude, therefore, that as the testimony was withheld from the jury, by the authority of the court, Mr. Muir so far forth has not been tried. The rejected witness might have given important testimony for the defendant; he might have been believed by the jury, and his testimony might have altered their verdict. It might too have had an influence on the severity of the sentence; but into that I do not now enter. I rest the case upon this, that prevarication goes merely to the credit of the witness and does not affect his competency, a strong hold from which no ingenuity nor talents can move me. This witness having been committed before his evidence was heard the defendant was mis-tried; and there being no remedy for such a mis-trial, by the law of Scotland, I am upon that consideration alone entitled in this place to call upon the justice of the crown, through the medium of the address of the representatives of the people, to avert that punishment, which, I have a right to say, might never have been inflicted, if the testimony of Russel had been given and considered by the jury.

Sir, the conduct of the court, in rejecting the witness under the circumstances stated, and the principles upon which it is justified, lead to nothing short of depriving the subject of his trial by jury. For if the court can by its unquestionable authority withdraw from the jury the power of judging of the credit due to the witness in the fullest extent, it can shut out from the trying tribunal, that for which it is alone instituted, namely, deciding upon the guilt or innocence of the accused, according to legal and admissible evidence.

I have now shown, Sir, that there was such error in law, as might have led to a reversal of the judgment; and such rejection and admission of evidence as should have laid the foundation of a new trial. In going through those two most important divisions of the subject, I have done all in my power to preserve that calm, and if I may use the expression, that judicial temper of mind, which such a subject as the present, in all the views of it, requires. I have made no allusion to the characters of judges, whose individual characters and legal information I know to be most respectable. I trust that I have not shown any tendency to personal invective, and the judgments, in the opinion which I entertain of them, do not admit of encomium. I consider myself, in what I have offered to you, to be as much abstracted from any offensive personal attack upon the court of justiciary, as if I had been arguing, professionally, in a court of law upon a writ of error, to reverse a judgment, or in support of a rule to obtain a new trial. In the part of the subject which remains, it shall, still, be my aim to preserve the same temperate line of dis-

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cussion; but I am ready to admit, that it may be more difficult to execute my intention with success. Sir, there is something in the nature of the punishment imposed upon these unfortunate persons, by this extraordinary and unprecedented sentence, which does so agitate the feelings, and affect the heart, that I am at a loss how to open, or, in what manner, to unfold the question of discretion; but I must now proceed to it, and I hope I shall accomplish the discussion in such a temper, as is not inconsistent with the decorum which is due to a court of justice, or the gravity which belongs to the subject.

Sir, it has been repeatedly said in this House, especially by a right hon. gentleman (Mr. Pitt) high in his majesty's service, that the discretion which dictated these punishments was a sound discretion. I am ready to admit, that there is no question in the whole circle of judicial consideration, in which there is more difficulty than that of determining the just measure of discretion, in affixing a punishment, where the law has left the degree and measure of it in the power of the court. The law undoubtedly holds out principles for legal discretion, but it is so difficult in many cases to discover a just guide for its direction, that I have often been tempted to think, that as it was one of the most delicate branches of jurisdiction, both to the feelings of the judge and the interest of the public, so it would be desirable, if it were possible, to relieve the judges from that duty. In most cases of discretionary punishment, a different conclusion will be formed of its mildness or severity, according to the different frame and structure of the characters and tempers of those who contemplate it. Their opinion about the state of the public mind their apprehension of danger, or confidence in the security and permanency of the existing system of things, will produce various conclusions, as to the proper degree of punishment for a state offence. Those who are apprehensive and alarmed, will think one measure of punishment no more than due; when he who feels little or no alarm, will consider a much less degree of severity to be excessive and unjust. To find a criterion or guide is a consideration in ordinary cases to be looked for in vain; on the present occasion I trust, I shall shew, to the satisfaction of the House, that we have obtained this grand *desideratum*, and that there was no difficulty arising from the want of a just criterion to regulate the exercise of the discretion of the court of justiciary. To judge whether the discretion exercised was a sound discretion, it is necessary first to consider the nature of the offence, and then to compare it with the precise extent of severity contained in the punishment. The offence of Mr. Muir and Mr. Palmer is a misdemeanor, and nothing more. Such as in this country would have received the punishment of fine and imprisonment. The pillory, undoubtedly, is likewise a competent sentence in cases of misdemeanor; but of late years it has seldom been pronounced, and, I believe, it has not been recently executed in the instances, in which it has been pronounced. The offence of Mr. Muir consists, among other things, in publishing the writings of Mr. Paine. Mr. Paine has been convicted as the author of that which Mr. Muir circulated. Were Paine to return to this country, and the court of King's-bench had to inflict the punishment for the offence of which he is found guilty (namely, the being the author or publisher of those books) by the law of England, the sentence must be restricted to fine and imprisonment, and if pillory were to be added by the court, I am entitled to say (according to the recent practice) that the advisers of his majesty would take care to prevent the execution of that part of the sentence, by pardoning it, or passing it by. The other parts of the charges against Mr. Muir are of the same nature, namely, publishing libels; and they agree with the charges against Mr. Palmer in one respect, his sole offence being the distribution and circulation of a paper charged as seditious. Instead of fine and imprisonment, which could have been the only judgment pronounced on such offences, in England; the punishment inflicted on these two persons is transportation; a punishment adapted and appropriated only to felons and capital offenders. A transportation too the most aggravated in its mode and circumstances, that is to be found in the history of the penal laws of this, or perhaps of any country. Not like that transportation which took place before our separation from America, when there was a short and easy voyage to the place of destination; a cultivated and inhabited country, a free and civilized people, speaking our own language, following pursuits similar to ours, and where servitude might be alleviated by the example of neighbours,

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and that tenderness and lenity which are the invariable concomitants of civilization, freedom, knowledge, and morality.

Far different is the transportation to Botany Bay. The voyage is long and tedious, and so inconvenient and distressing, independent of the transportation, as to be a much more severe and dreadful punishment, than any which the laws of England would permit to be inflicted for such a crime. Look, Sir, into the report upon your table, describing the severities, the hardship, and almost certain death attending that voyage, and you will then be able to judge how far I am guilty of exaggeration. When they have arrived at the place of destination, the contrast with the comparative happiness of an American transportation and servitude, is equally striking. In New Holland there is an inhospitable soil, so barren that no industry can render it productive; where the means of subsistence, depending upon the supplies from hence, are, frequently, so scanty as to threaten the whole establishment with famine, against which the utmost industry of the executive government at home cannot guard. There is without, a barbarous and hostile people, of savage manners and unknown language. Within, instead of masters whose mild treatment might alleviate the sufferings of those under their power, the governors are armed with all the severity of military despotism. Instead of companions, whose society might soften the afflictions of slavery and disgrace, they are surrounded by the outcasts of every gaol in England, ignorant in mind, abandoned in their morals, and devoid of every quality that belongs to civilized man. Yet this, Sir, is the situation to which we are to permit men to be sent for a residence, in one case, of seven, in another fourteen years, more than the computed duration of human life in any situation, and at any period of it; men whose education and habits have been such as to entitle them to be admitted to the most respectable and most learned professions that exist amongst us! An eloquent and philosophical historian remarks upon the manners and government of the Romans, under the tyranny of the emperors, that there were two circumstances which rendered despotism peculiarly dreadful to that people. Comparing them with the absolute governments of the East, he says, in these last, the language afforded no other word for government, but despotism: and the subject, considering that he held his life at the will of the prince, looked upon the loss of it by the order of the prince, only as an additional means used by Providence to deprive him of his existence. But the minds of the Romans under the emperors, he says, was very differently prepared for slavery. The education of Tacitus and Pliny was the same with that of Cato and Cicero; from the study of the Grecian philosophy, they imbibed the highest notions of the dignity of human nature, while they were forced to submit to all the miseries of despotic power. So it is, Sir, with this dreadful and unprecedented punishment; the minds of those, who are the ordinary objects of transportation to Botany Bay, are accustomed only to their fetters and their gaol; their imaginations conceive, and their language expresses nothing but immorality and vice, and they consider the abridgment of liberty, or the deprivation of life by the executioner, as natural dispensations of Providence, which they have reason to expect as the consequences of their crimes. But the unfortunate persons, who are the objects of my address to you to-day, educated as men of learning, and bred up in the habits of virtue and religion, had no reason, from any former precedent, or acknowledged power, to expect a fate which is worse than death itself. Sir, the enlightened historian to whom I have referred, says, there was another leading feature in the Roman oppression, which increased and aggravated its severities. In modern Europe, the division of countries into different kingdoms softens the severities of arbitrary power. The example of one monarch may make an impression upon the mind of another: and if that is not always the case, still the object of his severity may escape from his vengeance, and in another country, find a new fortune adequate to his merits, the freedom of complaint, and perhaps the means of revenge. "But the empire of the Romans filled the world, and when that empire came to be governed by a single man, the world became a secure and dreary prison to his enemies. To resist was fatal; to fly, impossible. Beyond the frontiers, he could discover nothing but the ocean or desert land, inhabited by hostile barbarians of rude manners and unknown language, by whom he might be seized, discovered, and brought back to an irritated master." Had these gentlemen been sentenced to transportation,

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when America was the place of destination, if they had fallen under a master naturally tyrannical, there might have been some relief from the example of those around him; a new situation, adequate to their merits, might have opened to have relieved them from their oppression, and if the system of municipal law wisely checked and prevented the means of revenge, still they would have found in the pursuit of knowledge, and in the society of men of letters, a refuge and solace for the miseries of their fate. But in the place to which they are now destined, they are to be the subjects of a military despotism, from which they cannot fly, but to the unfathomable ocean, or to desert land inhabited by tribes of barbarians, of rude manners and unknown language, by whom they might be seized and restored to an irritated master, and to the severity of martial law.

Such, Sir, is this aggravated species of transportation: a punishment not only disproportioned to the offence, but harsh and unnecessary, when it is considered with reference to the situation and character of the persons on whom it is pronounced. Sir, I am not one of those, who think that crimes should be punished differently in the high and low, or that one species of punishment should be appropriated to one rank and condition in society, and another to another. But I conceive it to be a sound and unerring maxim of criminal jurisprudence, to make the prevention of crime the object and end of punishment. In exercising a discretion as to punishment, therefore, a court is bound to consider what will be adequate and effectual to the end of prevention, and never to exceed it. In that view of the subject a sound discretion necessarily includes the consideration of the rank, education, and condition of the party convicted. It is not a sound discretion which has recourse in all cases, without distinction, to the utmost grasp of that which the law may be supposed to permit; for the mind of man shudders at a disproportionate sentence, and feeling no respect for the administration of justice so strained, the hand of authority is weakened and palsied by the act. These principles and that maxim, especially when considered with a reference to the extreme harshness of these judgments, compared with those punishments which should have been the guide to its discretion, might have served to moderate the conduct of the court. Sir, there were guides at hand, to which I think the judges were bound to have had recourse, as to sound and unerring rules of judgment. In the first place, they might have looked at home, and referred to similar cases in the law of Scotland, in times when the memory of the act of 1703, was fresh in men's minds, in cases where the crimes punished were leasing-making; and of that aggravated sort which insulted the prince upon the throne, attacked the succession of the House of Brunswick, with a foreign enemy at our door, and a rebellion just ready to break out, or but recently quelled. They would then have found that the only punishments inflicted were fine and imprisonment.

If they had not chosen to follow the example of their Scots ancestors, they might have referred to the mild but sufficient laws of England for their guide. There was every reason for following what the practice of England pointed out. In the first place, the legislature of both countries in the 18th article of the union, formally stipulated and agreed, had expressed a clear opinion, that it would be wise to have matters of public law and police put upon the same footing in both countries. Where judicial discretion leaves much in the power of the judge, nobody can doubt that the court would have acted a wise and justifiable part, if in its judicial discretion it had leaned to that which the wisdom of our ancestors pointed out as wise and politic, for legislative regulation; especially when one branch of the law, respecting public crimes, or offences against the state or government (I mean the laws respecting treason) had been rendered the same in both countries, by a British statute extending the English law of treason to Scotland. Sir, there was besides this, another clear and solid principle, to dictate and suggest the analogy of the English laws, namely, that when subjects are bound by the same allegiance to the same prince and state, the rules of law which regulate that allegiance, and punish breaches of it, should be the same. That which applies to the higher, applies equally to the lower order of state crimes. Scotland is bound by the same moral and political duties, with regard to the safety of the constitution, and the welfare of society, as England.—There is no duty which a person residing in England owes to his prince, which a person in Scotland does not equally owe to him;

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and he owes no other. Their duties are the same with regard to the legislature for we live under the same legislative power. Every breach of duty by the one is equally a breach of duty by the other. I have always been of opinion, therefore, that the laws should be assimilated and made conformable in the lesser state offences, as well as in treason. But if the legislature has not done so, still it would have been a just and sound guide for a judicial discretion to have referred to the punishment of such crimes in England; as it is evident that what would secure the state in one country, was likely to do so in the other: every obligation of political morality being virtually and mutually the same. With that index to point the way, how different ought the sentences to have been in these cases!

But if neither the example of Scots judicatures in former and similar cases, nor the daily practice of England, were thought fit and suitable guides for the discretion of the judges, still there remained another, by the analogy of which they might have been regulated. They might have had recourse to the example of the British legislature, in cases that were not supposed to fall within the ordinary course of the common or statute law: they would there have found, among many others, the case of bishop Atterbury. They would have seen that a horrid conspiracy had been entered into against the reigning king, and that the bishop of Rochester, notwithstanding the many solemn assurances, by him given, of faith and allegiance, had been deeply concerned in forming and directing the said wicked detestable conspiracy, to procure a foreign force to invade and depose the reigning king, and overturn the constitution. For that crime, the act of attainder inflicts upon him the sentence of banishment (that is, expulsion from the realm) and he accordingly went to France. They might have compared the crime of Mr. Muir and Mr. Palmer with that of the bishop of Rochester. Whatever heinousness, alarm, and apprehension may have attached to the former, there is nothing either in its nature, or in the character of the times, that raises it near to the pitch of the latter. Such, Sir, are the just guides for the direction of the court, but they were all rejected, and instead of them, recourse was had to the law of Rome under the dominion of the emperors, as a suitable and fit analogy for a criminal court in a free country. A learned judge in giving judgment says (and the authenticity of my quotation cannot be doubted, for the editor gives the Latin quotations from the Civilians with great accuracy, and they could only flow from the learned judge himself) "If punishment, adequate to the crime of sedition were to be sought for, it could not be found in our law; now that torture is happily abolished. The sole object of punishment among us is only to deter others from committing like crimes in time coming. In this view I concur in the transportation for fourteen years, which is a mild punishment, considering the offence, and the danger of the times; by the Roman law, which is held to be our common law where there is no statute, the punishment was various, and transportation was among the mildest mentioned. Paulus I, 38. Dig. de Pœnis, writes, Actores Seditionis & tumultus populo concitato, pro qualitate dignitatis, aut in fuacam tolluntur, aut bestiis objiciuntur, aut *in insulam deportantur*. We have chosen the mildest of these punishments." The court then rejected the judgments of their ancestors in 1715. They rejected the mild, equitable, but efficacious law of England. They rejected the dispensations of the legislature, as in the case of Atterbury; and instead of these rational and constitutional guides, suggested and enforced by being the laws of a free people, and tending to unite and keep in uniformity, that system of obedience due by two nations, now united in one, bound by one allegiance, and obeying one legislature they have had recourse to the tyranny of Rome, under the cruel and absolute dominion of Nero, Caligula, and Domitian; when, according to the sublime language of Gibbon, "The empire of the Romans filled the world, and being governed by a single man, the world became a secure but dreary prison for its inhabitants." Such, Sir, I am sorry to say has been the mistaken conduct of a British court of justice, looking for guides to direct them in the analogy of despotism and tyranny, where no analogy ought to be looked for; and disregarding that index which must have shown them the right road to the true and genuine principles of criminal discretion. Such unprecedented severity, Sir, it is the bounden duty of the representatives of the people to avert; it would be their duty upon the consideration of the question of discretion alone; but if, in addition, there is doubt as to the legality of the sentences, and reason to think

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there was a mis-trial, there cannot be a difference of opinion about our duty and our conduct in this place. Sir, I am at a loss to conceive what arguments can be brought to maintain a conclusion contrary to that for which I contend, for such a conclusion is as injurious to England, as it is disgraceful to Scotland. How can this part of the island be governed, if in the northern part of it the punishment for the same offence is so far to exceed all measure of severity known here? It must either be admitted, that the laws of Scotland are cruel and tyrannical, or those of England weak and inefficacious. Sir, if this system is persevered in, I shall not be without suspicion that it is intended, though it dare not be avowed, to introduce the rigours of transportation for state misdemeanors into the laws of the country.

Sir, I have now closed this grave, important and interesting subject. I have shewn the legality of the sentences against Mr. Muir and Mr. Palmer to be questionable; because the law does not authorize the punishment of transportation for such offences as they are charged with, in any view of the question. I have shown, that in the case of Mr. Muir there was a mistrial, by the admission of objectionable jurymen, by the rejection of legal, and the admission of illegal evidence. But even if there was no doubt as to the legality or mis-trial, still I have shewn, that there has been an unsound and excessive exercise of the discretionary powers of the court, in adjudging these unprecedented punishments. Having done these things, I have closed my case. Sir, I should certainly conclude here, were it not that I owe it to myself, shortly, to explain the motives which have persuaded me to lay this most momentous subject before you. As a professional man, I cannot wish it to be supposed that I have any over-weening disposition to bring the conduct of judges into public discussion. As a Scotsman, I have no desire to hold out to public disapprobation the errors of that part of the country to which I belong, and to which I am most sincerely attached. Sir, I have not been led to make these motions from the hope of professional advancement. For though what I have said on the present occasion does not, in any respect, relate to the courts in which my practice lies, yet, what I do upon this occasion, may be supposed to imply a general readiness to question judicial authority. Sir, I have not been lead to this measure from any personal disinclination to the characters of the learned persons who compose the court of justiciary. In that particular my prejudices are all the other way; and I should be much more happy in an opportunity to praise, than I can be in an obligation to blame. I cannot be influenced on this occasion by any personal partiality for Mr. Muir and Mr. Palmer; I have never seen them; I am totally unacquainted with them. I have not been excited to take this step by an approbation of Paine's doctrines. My sentiments respecting the works of that person have been recently and openly declared in this House, and as a reward for my opinion, Mr. Paine has been pleased to animadvert, in a publication, upon what I then said, and to place me, to my surprise, in the company of the two right hon. gentlemen over against me (Mr. Pitt, and Mr. Dundas). I have not been led to bring this business before you, from a desire of promoting a reform in the representation of the people in parliament. My opinion in opposition to such a plan (notwithstanding my attachment to the respectable friends around me who support it) has been uniformly the same. It has been recently, publicly and solemnly declared by me in this House to rest in a firm persuasion of the danger and inefficacy of such a measure. It was declared by me to be influenced by the supposed spirit of the times, or by accidental circumstances; and I can venture to say, that as my opinion has been maturely formed, so it will not be readily or rashly altered. I have been induced to bring forward these questions, from a firm and decided conviction that the only means of preserving good order, and a due respect and obedience to government is, to take care that the law is dispensed in a spirit purely judicial; that the judgments of courts of justice proceed on legal authority, admissible evidence, and sound discretion; and that undue stretches of law, lame or defective probations do not lead to excessive and unprecedented punishments.

Sir, I have been impelled to the agitation of this subject by the natural feelings of humanity and compassion, and that I may do all that is possible to ward off the public disgrace which invariably accompanies individual oppression. I have been impelled to it, in order to prevent that greatest evil that can befall the community—the perversion of criminal jurisprudence in state crimes. An evil, which the history of

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every country, and every age, and above all, the history of this island, might have taught us to avoid, as big with mischief. Without having recourse to ancient times, and other nations, from our own history we may learn this important and impressive lesson, that judicial severity and public discontent have never failed to accompany each other. Whether philosophers will consider them as cause and effect, I shall not stop to inquire; that they have been uniformly co-existent is enough to rouse a man of common observation to try to check the one, from an honest apprehension of the other. I have been induced to bring these judgments under your view, because I am attached to the constitution of England, as by law established. Because I think the blessings we enjoy under it, are put in serious hazard by the judicial power pressing its authority in doubtful questions, to the very edge and utmost grasp of its discretion.

Sir, it is not yet too late to prevent the mischief to which these judgments may give rise, and I must think that those who may be inclined to vindicate, to defend, and to excite such sentences, do not well consider the dangers they are about to encounter. "They (says lord Bacon) embrace more than they can hold; they stir more than they can quiet; they fly to the end, without consideration of the means and degrees; they try extreme remedies at first, and that which doubleth all errors, will neither acknowledge nor retract them." Sir, I ardently and sincerely wish to prevent the consequences of extreme remedies, and unwise judicial severities; and I wish to accomplish my end in a way equally constitutional as it regards the subject, and respectful as it regards the king. I wish to engage, in this most interesting cause of humanity and justice, the most valuable privilege of the commons, the right to approach the throne. I wish to persuade this House, the representatives of the whole nation, to address the sovereign, calling upon him humbly but earnestly to interpose his most favoured prerogative in behalf of these unfortunate gentlemen and thus obtain for them the dispensations of mercy: that attribute of Heaven, which blesses him that gives, and those who ask. In this manner (by availing myself of my situation in this House, to open the only channel for redress in a case where all legal appeal is precluded) I do all that an individual can do, to prevent the most serious and alarming injury that can happen to the law and the constitution. In that spirit, and with these impressions I humbly move you, Sir, "That there be laid before this House, a copy of such parts of the books of adjournal or criminal records of the court of justiciary in Scotland, as contain the libel or indictment, the verdict, and judgment, in the case of Thomas Muir, Esq. younger, of Huntershill, who was tried before the court of justiciary at Edinburgh on the 30th and 31st days of August, 1793."

The *Lord Advocate* said, that he concurred with the hon. and learned gentleman in the importance of the subject in debate, and indeed in almost every general proposition which he had laid down; but the application of those propositions to the present case, he must take the liberty of disputing. No man would refuse to agree with the hon. and learned gentleman that the purity of the administration of criminal justice was an object of the utmost importance, and which, if in any case abused, it was highly necessary for the House to watch over. But he trusted, that the hon. gentleman and the House would concur with him in thinking, that the conduct of a supreme criminal court was not to be brought into question lightly; and that it was equally essential to the good of the state, and consistent with the duty of the House, to give judges their protection against unfounded imputations. The hon. and learned gentleman had endeavoured to establish two propositions, as the ground of the illegality of the sentences against Palmer and Muir: 1st, that they had been accused of the crime of sedition, or of facts importing it, which was a crime not known in the common law of Scotland: 2ndly that from the showing of their indictments, they were guilty of the crime of leasing-making only, which though it was known and defined by a variety of statutes passed by the Scotch parliament, and had been by older statutes erected into a capital offence, was, by the act of 1703, c. 5. declared to be punishable only by fine, imprisonment, and banishment; under which last it was impossible to maintain that transportation was meant or that the two terms were synonymous. It was almost unnecessary to enter into the consideration of the first question—whether the indictments were properly laid at common law, or whether they ought to have been

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laid on the statutes against leasing-making? because, if the learned gentleman was right in this that the indictment should have been laid against leasing-making, it was equally in that event competent for the court to inflict in its discretion the punishment of transportation. When it became necessary for him to prefer the indictment against Muir, he had carefully considered all the acts of the Scotch parliament relative to the subject; and being satisfied that the offences imputed to him did not fall under the description stated by the learned gentleman, but under the description of sedition at common law, he had drawn his indictment accordingly; and if he had been mistaken in this opinion, the House could not but be satisfied that he acted without any sinister motive; as he was confident it would appear that the court was competent to inflict the punishment they did, in whichever manner the indictment had been preferred. To those who read the act of 1703, without attending to its spirit, or to the legal acceptation of the word "banishment," it might, at first sight appear that transportation was not by that act permitted. It was neither the vulgar nor the legal acceptation of that term by the English law, that they were at present to consider, but the legal and technical meaning of it by the law of Scotland. The learned gentleman had well observed that the legal import of any term was to be collected either from other statutes, or from the practice of the courts of law, and the sense in which it had been there uniformly used. In that view of the case he perfectly concurred; because, without referring to a variety of statutes, from Robert 2nd to the Union, one or two instances would demonstrate, to the satisfaction of all who heard him, that the term "banishment" included every kind and species of exile; that transportation was not, as in England, a separate and distinct punishment, but a mode of carrying the sentence of banishment into execution. When the Scotch parliament meant to limit the court of justiciary to the milder or more severe modes of punishment, they invariably did so: but when they meant to leave free the discretion of the court, they expressed it generally, and thus the court, and every lawyer in Scotland, had considered it. When the Scotch parliament meant to punish certain offences, by the most lenient mode of punishment, they took care to express that intention in clear and ambiguous terms, as had been done by the 34th act of the 1st of Charles 2d against clandestine marriages; the celebrators of which were by that statute "banished" the kingdom, never to return therein, under pain of death. In the last parliament of William, scarcely three years before the act in question, certain punishments were inflicted upon jesuits and concealed popish priests; and the privy council was appointed (1700, c. 3), "to banish them forth of the realm, under what certification even to the pain of death, they shall think fit." In both these instances, the power of inflicting the more severe species of banishment was not conferred, and the court was restricted to the sentence of banishment simply. On the other hand, when the parliament meant to exclude the lesser, and to confine the powers of the courts of law to the higher species of exile, they took care to make use of terms which were equally explicit; as, in the statute alluded to by the learned gentleman, which passed in 1670, by which, persons refusing to give evidence against delinquents, were to be punished, "by fining and close imprisonment or banishment, by sending them to his majesty's plantations in the Indies, or elsewhere, as his majesty's council shall think fit." By these statutes the parliament clearly denoted the general and comprehensive sense in which the term "banishment" was used, and which it was necessary for them to limit, by express declaration if they meant to restrain the courts of law to one particular mode or species of it. But when they meant to leave the court the full discretion of inflicting any species of banishment, which they might consider adequate to the particular case before them, the parliament used the term "banishment" only, as in the present instance, without annexing any limitation. A decisive example to illustrate this, occurs in the act 1696, c. 5, against fraudulent bankrupts, whom the court of session were thereby empowered to punish by "banishment," or otherwise (death excepted) as they shall see cause; under which the court had, without question, and in various instances, transported persons to the plantations, whenever the enormity of the offence rendered it necessary. But in all these statutes, whether limiting the courts to the higher or the lower species of exile, still was the term "banishment" uniformly adopted by

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the Scotch parliament as comprehending under all the different species of exile, temporary or perpetual, indefinite or to a certain place, voluntary, or compulsory; and if used by parliament in a more limited sense than its common legal acceptation, such limitations were uniformly and anxiously declared.

If the learned gentleman looked to the sense in which the courts of law, at the period of the act 1703, understood the term "banishment," there would not remain a doubt of the impropriety of the present motion. From 1672, when the court of justiciary was new modelled to the present form, numberless cases had occurred, of persons banished the kingdom, and of the transportation being described in the concluding part of the sentence, only as the mode of carrying this particular sentence of banishment into execution. These instances abound on the records of the court. It was impossible to open the book, and not to see them. How, then, are we to conclude, that if the Scotch parliament had meant, when they substituted an arbitrary punishment for a capital one, in the case of leasing-making, to substitute the milder for the more severe mode of banishment, that they would not have expressly said so, as they had done three years before; seeing, too, the daily practice of the courts of privy council and of justiciary, which embraced unde the term "banishment," every species of exile. But waving the improbability of the learned gentleman's argument, let us attend to the interpretation of the term "banishment" adopted by the persons who passed the act of 1703. In February, 1704, only eight months after passing the act of 1703, one Baillie was indicted before the privy council, at the suit of the duke of Queensbury and marquis of Arundel, for the crime of leasing-making.* The lord advocate, sir James Stewart, the ablest lawyer of his age, concurred in the indictment against Baillie, which concluded with expressly requiring the court to inflict the punishment provided by the statute. A numerous band of counsel appeared for the prisoner; the first characters of the time were on the bench; many of them peers; several judges of both the supreme courts of justice; sir James Stewart was also present: every one of them must have been members of the parliament which a few months before passed the act of 1703. What was the sentence? They banished Baillie from Scotland for ever, and ordered that he should be detained in prison till a fit opportunity offered for his "transportation;" and they added the pillory, and other penalties. Is it to be supposed that the framers of the act of 1703 would so soon dare to violate it in so glaring a manner; or will it be said, that it is likely the chief instruments, as these persons were, in bringing about the revolution, and who, when they recognized the right of queen Anne to the throne, had re-published that year the declaration of Grievances, the Claim of Right, and the acceptance of William and Mary, would themselves have been guilty of an act of power, more illegal, unjust, and oppressive, than any of the privy council of Charles, and of James, and which had in a great degree produced the extirpation of the family of Stuart.

He then adverted to the objections brought against the proceedings on the trial of Muir. The objection to the jurymen, as members of an association for the support of the constitution, had been most justly repelled by the court. The amount of the objection was no more than this; that any person who was attached to the constitution, or who differed from the prisoner, was unfit to sit on his jury. With equal reason might a traitor object to a jury of loyal subjects, as incompetent and partial, as having already prejudged him, in wishing well to the constitution and their country. The point respecting the book called Flower on the Constitution was not insisted on, and therefore the prisoner had no cause to complain; though it was undoubted that as he was charged in the indictment with having uttered seditious speeches and harangues and having recommended seditious books, any circumstance of that nature might have been proved. In the law and practice of Scotland, they did not follow, exactly as in England, the rules and forms of pleading; that the judges of Scotland did not pretend to know the forms of English courts, nor think themselves at liberty to meddle with what they did not understand; and he hoped that the House would recollect, that however harshly the conduct of the Scotch judges had been censured, it was not by the rules or practice of English laws, but by those of Scotland alone, that their conduct could be decided upon. With re-

* See Howell's State Trials, Vol. 14. p. 1035.

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gard to the witness Russel, who had been committed for prevarication, and whose evidence has been refused, the court was bound to act as they did. Every witness in Scotland, after being sworn, was interrogated, *in initialibus*, as it is termed, similar, as he understood, to the *voir dire* in England; and if the witness could not answer satisfactorily these preliminary questions, he was rejected as inadmissible. The customary question was, "has any man instructed the witness what to say?" and this question was put to Russel: he hesitated, and at first declined answering; on being pressed, he said he had been told to tell the truth; on being asked, who told him? he answered, he could not recollect, though admitting that the conversation had taken place since his citation, dated only four days before. The court rejected his evidence, and committed him for a short time. It was almost unnecessary to add, that he was called to prove what a dozen before him had proved, and which the prosecutor had admitted to be proved. What injury, then, could the prisoner sustain, by the rejecting of Russel, had the court been at liberty, which they were not, to act otherwise than they did?

As to the excessive severity of the punishments, and of the abuse of the discretionary power of the court, in inflicting them, it would be sufficient to say, that having, by the common and statute law of the country, such discretion vested in them, they had, on a full consideration of the circumstances of those two cases, and the degrees of guilt attending them, apportioned the punishment to the best of their judgment. The learned gentleman had talked of assimilating the law of Scotland to that of England, and of directing the attention of the Scotch judges to the modes of punishment inflicted on similar offenders in this country. He was ready to say, that he saw no reason for this; on the contrary, he saw many strong reasons for bringing the law of England up to that of Scotland.—The judges of Scotland had followed the only course they could pursue in inflicting the punishment of transportation. Was a pecuniary fine a more adequate punishment? A fine, paid most probably by a more wealthy person, secretly embarked in the same criminal enterprise. Would imprisonment have been more proper? What would their prison have been, but a nest of sedition, from whence, as in this country, the offender would insult the law which punished him, and laugh at the inadequacy of the penalty? Was it not preferable to do, as the judges of Scotland had, in observance of the law of that country, done, to move for a period to a distant country, these men who had attempted to subvert the constitution, whose protection they no longer deserved? On these grounds, he trusted, the House would be of opinion, that the objection to the legality of the sentences in question, and to the proceedings on the trials, were altogether unfounded; that the conduct of the court was free even from suspicion; and that they would negative the motion.

Mr. *Sheridan* could not remain silent after arguments which he had just heard. The learned lord, not confining his observations to the individual case before the House, had adverted to matters which implicated this question: whether the law of England ought not to be assimilated to that of Scotland? In the progress of his observations, the learned lord had divided his countrymen into two classes, the associators, and the levellers and republicans: he would not admit that there was any middle class, and of consequence none qualified to act as an honest and impartial jury. This was indeed, a melancholy representation, and it was to be hoped that the country furnished some exceptions to this general division of character. There were some who belonged neither to the one class nor to the other, and who, though they would not condescend to crouch at the foot of power, would still defend the constitution with unabated activity. Having given such a character of his countrymen in Scotland, the learned lord had confessed his ignorance of the law of England; but had expressed a wish that the House would believe him to be learned in the law of Scotland. If his statements of that law were correct, he had indeed presented a picture calculated to alarm every man in the country. Would the learned lord dare to attempt the introduction of a bill for transporting persons convicted of libels in England to Botany Bay? No, he would not.—In all his arguments the learned lord had gone farther than the necessity of the case required. In his statement of the evidence of Russel, he had mentioned, that that witness was committed because he refused to answer. But had he brought this refusal within the point of law? Somebody, it appeared, had talked to

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the witness about his evidence: but did the learned lord mean to say, that talking to witnesses after their citation rendered their evidence inadmissible? He certainly could not mean to palm such nonsense on the House as Scotch law: it was not, he would assert, the law of Scotland.—An attempt had been made to put the question on the footing of wishing to throw a stigma on the Scotch judges. What, he would ask, was the cause of the confidence of the people in the judges of this country. Was it their character? No. It was the controlling power which the House had over those judges, and which was the best security for the proper administration of justice by them. The learned lord had stated, that at the commencement of these transactions he had begun to study the common law, and that eighteen months ago he had been obliged to read laws which had slept for near a century. A more accurate character of the late trial could not be wished than this: this was so curious a circumstance, that if persons were present who never heard of the recent proceedings in Scotland, they would say, what new crimes have these men committed, that it is necessary to go back a hundred years, in order to find a punishment for them? They would think that Scotland had exhibited a revival of the golden age for the last century, that no treasons and insurrections had taken place within that period, when, in fact, there had been not only sedition and insurrections, but two rebellions. Had the learned lord, during all that period, not heard even of one solitary instance? Had he not heard of the case of a Mr. Dundas, of Arniston,* who had received from the dutchess of Gordon some medals with the Pretender's head on them, which he had dispersed, and who had likewise gone so far as to harangue the faculty of advocates in favour of the Pretender?—What, he asked, was the accusation against Messrs. Muir and Palmer? Mr. Palmer had been accused of inciting poor people to insist on a parliamentary reform. If the learned lord had not been as ignorant of English history as of English law, he would have found some resemblance to Mr. Palmer's conduct; he would have found a resolution signed Pitt and Richmond, from which resolution every word and sentiment used by Mr. Palmer had been stolen. I have here, said Mr. Sheridan, drawn up in three columns, the declarations of Mr. Palmer, Mr. Pitt, and the duke of Richmond, and Mr. Burke; and I declare, that there is not one sentiment used by Mr. Palmer, which he has not borrowed from the others; with this only difference, that they have gone much greater lengths and employed more forcible language, in calling the people to assert their right of universal suffrage, and to throw aside all dependence upon parliament.—The learned gentleman boasts that, in conducting Mr. Muir's trial, the established course of proceeding was followed. He forgot, however, to state, that in summing up, while every circumstance of aggravation was brought forward, no notice was taken of any part of the evidence in favour of the accused.—The distinction between banishment and transportation, Mr. Sheridan explained in a very different manner from the lord advocate; and notwithstanding his particular reference to the statute 1696, Mr. S. insisted, that the two words were not of a synonymous meaning. The learned lord had argued very curiously with regard to leasing-making. He defined it to be merely telling lies or speaking a few idle words; and yet he had told us, that the act of 1703, which rendered this offence formerly capital, liable only to an arbitrary punishment, could intend nothing less than transportation, as simple banishment would have been much too light a punishment. In order to support the legality of the proceedings of the court, he has stated a number of cases, in which, though the statutes only gave them authority to impose a sentence of banishment, they had taken the liberty to inflict transportation: but the learned lord comes at last to what he thinks a clinching argument against those who appear friendly to the motion. He at once endeavours to silence us by the memorable case of Baillie, in 1704, several months after the law which had this evening been so often mentioned was passed. This instance the learned lord considers as the climax of his legal authority, which was to panic-strike and confound all his opponents. It was, however, very unfortunate for the lord advocate, that of all cases which could be resorted to for the maintenance of an argument, this was, without exception, the worst and most odious. And why compare the abominable proceedings of the privy

* See Howell's State Trials, Vol. 15, p. 715.

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council to those of the court of justiciary? Ought a sentence of that court, in point of infamy not inferior to the Star Chamber, to be deemed a judicial precedent, and to furnish an authority for the court of justiciary on the present occasion? Indeed, in this opinion he had the high authority of a great lawyer in the other House, who had said from the woolsack last year, when the precedent of the appeal to the privy council, 1704, was stated, "You must not mention that; you cannot argue from it; it is no precedent." They had shown their contempt for the law passed only eight months before: they not only sentenced Baillie to transportation, but ordered him the pillory as a preliminary, and inflicted upon him the epithet infamous, as a testimony of their christian charity and benevolence. For such an undue exercise of power, these men ought to be execrated rather than held up to admiration. The learned lord, indeed, even in bringing forward a precedent, does not attempt to justify the sentence; he admits it to be severe, and brings it forward only to contrast it with the mercy of the present judges.—The question, however, ought to be more strictly attended to. It was not a discussion concerning the merits or demerits of the Scotch privy-council in 1704, but whether, in the cases of Muir and Palmer, there now appeared sufficient grounds to order an examination into the conduct of the court of justiciary, and whether or not the whole proceedings ought to be revised, and, if necessary, amended? He hoped gentlemen would deeply impress on their minds the serious consequences of these legal decisions, before they gave the vote which they were that night called upon to give. He lamented the modern Scotch explanation of the word sedition; he believed that Muir and Palmer had been dealt with in an unconstitutional manner; and he thought that a check ought to be given to the arbitrary conduct of the Scotch judges.—Much idle declamation had been made respecting the common law of the two countries. He was convinced that the common law of England was founded on the broad principles of common sense. He wished that the spirit of the criminal law were the same in both countries: and that the Scotch judges would divest themselves of extravagant partiality, and evince some respect to the common law of England and to the common sense of every country. The learned gentleman has told us, that the trials of Muir and Palmer were conducted by the common law of sedition. I cannot believe that there can be any such law; but, if such be the law, it ought not to be allowed to exist. Can it be consistent with any principle of equity, that the fate of individuals should hinge upon a law which the learned gentleman himself has admitted has not been in exercise for a hundred years, and of which he has not been able to produce even one precedent? Every word which he has quoted from sir George Mackenzie furnishes an argument directly against his own assertions. Will he affirm that the case of Mr. Muir or Mr. Palmer comes under any of the three descriptions of sedition stated by that learned writer; or can he, with all his ingenuity, devise a fourth species of sedition, in which it can possibly be included? No; the species of crime which he has described is a monster as unknown to the law, as the proceedings are repugnant to every principle of justice. What is the crime charged, and the situation in which the accused has been placed? It is to put a person upon his trial on the suspicion of being a disaffected subject. It is to assume a right to prove against him general disaffection, without affording him an opportunity to repel any specific charge that may be brought against him.—The learned gentleman stated, that he conceived himself entitled to bring forward the circumstance of circulating Flower's book as a collateral proof of Mr. Muir's seditious intentions. What! bring forward a book of which not a single word is mentioned in the indictment, the legality of which was never called in question, which was not before the court, and of which not even one sentence was read to the jury! This is to put a man upon his trial without affording him either the means of defence or the hopes of acquittal, to drag him to the bar to answer upon a general charge of disaffection raked up from every circumstance of his private life, and every expression of his unguarded moments. In such circumstances what individual can be secure; or what can be more illegal or oppressive than a trial conducted on such principles? Good God! Sir, is it possible that this can be the law of Scotland? If it be, it ought not to continue one hour longer.—There was one circumstance, which, though not entering into

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the subject matter of debate, he could not avoid stating to the House. An hon. and worthy member (Mr. Whitbread senr.) had, upon a former night, stated, with motives which, no doubt, did honour to his feelings, an insinuation respecting the sanity of the faculties of Mr. Palmer. This unfortunate gentleman, now on board the vessel which is to convey him to Botany Bay, had, in a letter which he held in his hand, declared that not all the severities of his unmerited fate had touched him so sensibly as this imputation; and he earnestly desired that it might be understood, that in the petition which he had offered to that House and to the throne, he had demanded justice, not implored mercy. The mistake had probably arisen from the circumstance of there being a brother of this gentleman, a clergyman, who laboured under the misfortune, mistakenly, and no doubt kindly, attributed to him.

Mr. *Whitbread* said, that the latter part of the speech of his hon. friend, made it necessary for him to intrude a few moments on the House; he alluded to what had fallen on a former night from a gentleman very near and dear to him, respecting an insinuation of Mr. Palmer's insanity: he was sure the idea was suggested by the purest, the most humane motives; but he could not but bear testimony to the sanity of Mr. Palmer: he had seen him, known him, and had corresponded with him; he was a man of the most engaging manners, and of the most enlightened mind. The greatest proof of his firmness and fortitude, was, the undaunted and the philosophic mind with which he bore up against this unheard-of oppression. He was a man on whom "The gods themselves may look with envy."—Since he had had a seat in that House, he had never heard a speech which so much excited his indignation as that of the lord advocate; and he hesitated not to declare, that if the law of Scotland was such as represented by the learned lord, it was a law of tyranny and oppression, and it was absurd to speak of personal liberty in that country. He had heard it asserted that the laws of England were too light; that sufficient punishments were not inflicted on those who were convicted of seditious practices. But if the ministers of this country should dare to introduce the law of Scotland, he hoped there would be found in that House men bold enough to impeach them. He left all encomiums on the Scotch law to the learned advocate; if his accounts of it were true, none but slaves could admire it. Impartial posterity could alone be the judges on this unfortunate business. Let the minister beware how he pushed matters to a crisis; it was not the fettering of hands, confining of bodies, or transporting the persons to Botany Bay, which could repress the sentiments of truth, or annihilate the cause of justice. Every day ministers were pushing points too far; but a time would arrive when a proper judgment would be formed of these transactions. "Quo magis socordiam eorum irridere libet, qui, præsenti potentia, credunt extingui posse etiam sequentis ævi memoriam: nam contra, punitis ingeniis gliscit auctoritas, neque aliud qui ea sævitia usi sunt, nisi dedecus sibi atque illis gloriam peperere."

Mr. *Windham* could not agree, that in treating this subject, the House was not to be restricted to forms, or confined within legal trammels. He would allow, that in constitutional questions, a large and liberal view was more fit for the adoption of that House than the forms and habits of inferior courts: but this he conceived to be a mere question of law, and one, indeed, of a very confined sort. The first consideration was, whether the trial, the verdict, and the sentence were legal or not? This, the House would see, was confined to perfect legal strictness. But he was sorry to be obliged to say, that an hon. gentleman, in arguing the matter, had neither proceeded on principles of law, nor applied himself to the general merits of the case; but had barely confined himself to the more pleasant task of entertaining the House with allusions to the opinions of certain persons expressed upon former occasions, and far-fetched applications of those opinions to the subject in discussion. The opinions he meant were those of considerable persons respecting a parliamentary reform; on which subject he would only say, that whatever great and wise men might once have thought of it, and however highly they might have prized it, long experience, and the example of the present time, had convinced them that they were wrong.—Great stress had been laid on what had fallen from the learned lord respecting the objections of Mr. Muir to the jury; and these objections had been maintained

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by the learned mover, but, in his mind, they amounted to no more than this, that no man was fit to try a traitor that was hostile to treason. This he maintained to be a false inference: all honest men who try a criminal must be enemies to the crime in a greater or lesser degree; but in crimes against the public, all men were nearly concerned; and if this doctrine were held good, none of course could be qualified to try this species of crimes. As to associators, they were obliged to associate for the public security; but by no possible inference could this be deemed a disqualification to serve on a jury for trial of a traitor or seditious person.—The hon. gentleman had asked, who would be bold enough to say, that the laws of Scotland should be prefered in such cases to those of England? He, for his part, would be the one to say, that if justice was baulked, and the laws were not adequate to the punishment of crimes, he had no difficulty to declare his opinion that they should be made so. There was no necessity to follow Scotland in her laws, if wrong; but laws should be made adequate to the prevention and punishment of crimes, or all security of life and property were at an end. If the crime of leasing-making was confined to a narrow compass, there must be something short of high treason, for which provision should be made, particularly in cases of crimes with respect to which the utmost vigilance should be observed, namely, seditious writings, and other practices calculated to disturb the public repose. That, however, was not the question now, but simply, whether the proceedings were legal? On this subject he had heard with the greatest attention the learned mover, and he had not the smallest hesitation to declare his decided opinion, that by the word banishment, the court was invested with the fullest power of inflicting the sentence of transportation, and that that power had been long exercised. An hon. gentleman had said, that if the House decided against this question, it would establish the fatal doctrine, that no inquiry should be made into the conduct of courts without having proof of actual illegality before it. This he denied and hoped the House would never enter into an inquiry when they had, as in the present case, proof before them that the sentence proposed to be inquired into was a proper and legal sentence.

Mr. *Fox* rose and said:—It was my wish, Sir, that this question should neither be agitated in this House, nor in the House of Lords; but since it has been brought before the House, and since doctrines of the most extraordinary and monstrous nature that ever fell from any gentleman within these walls, have been advanced by a learned lord opposite me, who has risen to vindicate the conduct of the tribunal of Scotland, and to defend the part which he has taken in the proceedings, notwithstanding the lateness of the hour, I should feel myself deficient in the duty which I owe to my own character, as a representative of a great and free people, if I withheld my sentiments, and contented myself with giving a silent vote on this occasion. The present, Sir, is a question of the greatest importance—a question involving in its consideration, not only the fortunes of two suffering and oppressed individuals, but the consequences which will be produced to posterity, by establishing a precedent inimical to the liberties of mankind. No wonder, Sir, that my hon. friend (Mr. Whitbread) should have displayed such honest indignation, and expressed himself in so feeling a manner on such a subject; but there is one point in the speech of my hon. friend, which I cannot help taking notice of, and on which I am under the necessity of entirely dissenting from him. My hon. friend has declared, that if any minister should dare to introduce into this country the law of Scotland, he hoped there would be found in this House men bold enough to impeach him. I cannot agree with him on this point: for so dearly do I prize the freedom of debate, in such veneration do I hold the free and unlimited discussion of any political or constitutional question within these walls, and so jealous am I of every thing which would look like an infringement of this our most valuable privilege, that if the minister were to advance the most dangerous and detestable principles, if he were even to propose a bill to this House, to alter the succession to the throne, and introduce in the place of our sovereign, a foreign pretender, I would hold him justifiable for the unconstitutional measures he attempted to introduce, and would with my voice endeavour to rescue him from a public impeachment or prosecution.

The learned lord in his panegyric on the laws of his own country, has thought proper to throw out insinuations against

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the laws of England. From his train of reasoning, and from the many arguments he has brought forward, in attempting to defend his favourite system of Scottish jurisprudence, it struck me, and it must have struck every man open to the most common impressions, that it was his sincere and fervent wish, that his native principles of justice should be introduced into this country; and that on the ruins of the common law of England should be erected the infamous fabric of Scottish persecution. Indeed, Sir, when I recollect what has been advanced by the learned lord, I can easily account for the sentence pronounced against these two unfortunate gentlemen. If that day should ever arrive, which the lord advocate seems so anxiously to wish for—if the tyrannical laws of Scotland should ever be introduced in opposition to the humane laws of England, it would then be high time for my hon. friends and myself to settle our affairs, and retire to some happier clime, where we might at least enjoy those rights which God has given to man, and which his nature tells him he has a right to demand.

I will now, Sir, address myself to my hon. friend who has just sat down and ask him what he meant by an expression which fell from him, implying a doubt of the laws being adequate? Does he mean to assert that the laws are not adequate in this country to punish sedition? There was a time when my hon. friend agreed with me, that the laws were adequate, and surely he must think so still. He has told us, that if they are not sufficient to check the career of sedition, laws ought to be introduced to answer that purpose. Would my hon. friend introduce the tyrannical laws of Scotland? No; struck with a sense of the cruelty of the punishment which has been inflicted on these gentlemen, struck with a conviction of the iniquity of the whole proceedings, impressed with a veneration for the laws of his country, and an apprehension of the inevitable and fatal consequences that must result to English liberty, from the horrors of such innovation, he has qualified a little his expression, and has ingeniously slipt in an *if*,—"your *if* is the only peace-maker, much virtue in *if*." My hon. friend has said, *if* the laws are not adequate, why then let the laws of Scotland be introduced in their place. The question, Sir, is unfortunately a complicated one. In complicated questions it will always happen that there are some particular parts in which gentlemen disagree; there will be parts that some will overlook and others combat; but in every question, however intricate, there are certain essentials in which all who value truth, and act from the honest impulse of their heart, must be unanimous. Most true it is, Sir, that in every country there will be points on which the sentiments of men will be at variance, for it is the nature of men to differ; but justice in every country is the same, and in what relates to her there can be but one opinion. If, therefore, this sentence must in England be considered as notoriously unjust, and repugnant to every principle of humanity, it is impossible for ingenuity to varnish such a system of iniquity, or give to that which on its very face wears the features of cruelty and oppression, the appearance of justice or humanity.

Now, Sir, let us examine a little what the lord advocate has stated with respect to precedent, and on this point I will be bold enough to assert, that except in one case, I mean the statute of bankruptcy, the learned lord has not pointed out a single case which bears on the present motion, or warrants the interpretation he has put on the word banishment. With respect to the act of 1703, it is a limiting act; it uses simply the word banishment. In the statute of 1672 the word banishment is mentioned with additions: so that if gentlemen examine all the statutes which have been made, it must strike the minds of those open to conviction, what the real meaning and the fair and honest interpretation of the word banishment implies. The lord advocate, to vindicate the proceedings on the trial, and give it at least an air of justice, has treated the word in rather a singular manner, and has endeavoured to prove that it is synonymous with transportation. But let us refer to the last statute quoted, namely, that of 1672, and gentlemen will clearly discover, that wherever it was the intention of the legislature to extend banishment to transportation, the place destined for the culprit's transportation was specifically declared. Hence, in the statute of 1672, we see banishment to the West Indies; if this word extended to transportation, why is the place pointed out in some cases and omitted in others? The reason is obvious; when the law of Scotland only meant simple banishment, that is, exiling a man from his country, it only used the word, and gave him the liberty of choosing

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a spot for himself; but where the offence called for more severe punishment, the place of transportation was identified. There is one statute, and only one, which makes in favour of the learned lord's argument, and that is but a poor assistance; I mean the statute of 1696. That statute enacts, that banishment, or otherwise, should be the consequence on conviction; now, to argue on the word "otherwise" and make it a ground for a severer punishment than the word banishment, would be contrary to all rules of law, and in my mind, every principle of English jurisprudence. The precedent of 1704 was made by the privy council of Scotland, the most reprobate and despicable tribunal that ever disgraced the annals of its history; we know this, as well from the circumstances of the case itself, as from what fell from the noble lord on the woolsack last year, who, when this precedent was mentioned, started up and declared, he would pay no attention to any thing which came from that infamous and reprobate tribunal.

I come now to this enormous and gigantic sedition, which has induced the lord advocate to ransack precedents which have laid dormant for two centuries. In the last century he says there are no precedents, though in that period there were two rebellions, and we find the names of a Graham and several others, who were convicted of more atrocious offences, but punished with less severity. But what is this sedition? The learned lord has mentioned the name of Mackenzie, and has misquoted him, in support of his own principles; but this is an authority which I never mention without reluctance and humiliation (but I am obliged to have recourse to him, as there is no other constitutional writer), because this very man was the flattering apologist of the tyrannies perpetrated in the latter years of the Stuarts, and which are now attempted to be revived in Scotland. Indeed, Sir, so strikingly disgustful are the whole features of this trial, and so enormous its proceedings, that when I first heard of them, I could not prevail on myself to believe that such proceedings had actually taken place; the charge itself, and the manner in which that charge was exhibited, made my blood run cold within me. I read the first edition, I discredited; I read the second and third editions; I was inclined to disbelieve them all; nor would I even believe it now, but in consequence of what I have heard from this lord advocate himself. But, if sedition is to be proved by such an evidence as Anne Fisher, evidence which in no civilized country ought to be permitted, there is an end of justice. This infamous evidence, this domestic spy, was even questioned respecting the private and unguarded conversation of her master, and her testimony was allowed, because it was solicited. Good God! Sir, what man amongst us, if our servants and our friends were called to give evidence against our private declarations, would not stand guilty? And which of us would not be liable to transportation? If so tyrannical a law exists, our fortunes, our honours, our lives, are at the disposal of the executive power. But since the lord advocate has introduced a neighbouring country, and has spoken much of the word sedition, I will ask him where he is to find this word sedition? It is not to be found in the common law of England or Scotland; but I will give him a little assistance to help him out of his embarrassment, and will advise him to change this word into *incivism*. Let the lord advocate imitate the example of France; let him convert sedition into incivism; and let him, like the unfeeling and ferocious rulers of that people, doom the suspected to Botany Bay or the guillotine. Let him tell me where I can find a common-law case of sedition in Scotland. The only authority he can produce is Mackenzie, and that is unfavourable to his argument. Let him show me by what laws of eternal justice such proceedings as have lately taken place in Scotland can be vindicated. It is too much for professional men to expect that we should pay implicit obedience to their doctrines. Does the lord advocate suppose that I will give unlimited confidence to his *ipse dixit*? He is wrong if he imagines we are not equally capable of discussing subjects of legal policy. It is evident from all that has been said, that the legality of the sentences passed upon Messrs. Muir and Palmer is highly questionable.

My hon. and learned friend who opened the debate, has clearly shown, that the panels were indicted on the statute of leasing-making; we have also clearly seen that the penalties to be inflicted on the convicted, are either banishment, fine, imprisonment or corporal punishment. The lord

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advocate has seriously asked the House, if these men were not transported, what would be done with them? Shall I imprison them, said he? Imprisonment is a poor chastisement; a gaol is only the nest and den of iniquity; there offenders are only taught to revile their judges and jurors, and to meditate new schemes of sedition. Would you impose a fine on them? That would be easily paid by some rich friend leagued in their conspiracies. The humanity of the lord advocate would not suffer him to talk of inflicting corporal punishment on gentlemen of education and respectability. From hence he infers, that the only punishment to be inflicted on them is banishment; but it has been more than sufficiently proved to the House, that banishment cannot extend to transportation, without annexing the name of the place appointed for exile. Sedition has been defined to be public commotion; now, public commotion, by the laws of both countries, is high treason. Had they been indicted for sedition, they must have been convicted of high treason and must have suffered death. On this ground, therefore, the judgment cannot be supported.

Before I proceed any farther, I would beg to address a few words to my hon. friend (Mr. Windham). I confess I am astonished to see that gentleman so suddenly change his principles and professions, commencing an alarmist, and affecting to tremble for the safety of his king and constitution. It is disagreeable to recall old and unpleasing truths; yet I cannot help reminding my hon. friend, that there was a time though he had not then a seat in this House, when he took an active and spirited part in opposition to the government, during the unhappy American war. I myself heard him speak not the most respectfully of one of the chief justices. I do not say that he belonged to clubs, but of this I am sure, that he was present at several; he ran about from town to town, conversing with artizans on the rashness and impolicy of the war; and he delivered his sentiments at Norwich and other places in a manner the most decidedly hostile to government. My hon. friend would at that time have thought himself hardly dealt with, if he had been condemned as an enemy to his king and constitution, merely because he was an enemy to the American war.*

Why, Sir, are Mr. Muir and Mr. Palmer to be considered as enemies to the constitution, sowing the seeds of rebellion, anarchy, and confusion for only pointing out to the people those privileges which they should enjoy, and which they are unjustly denied? Sedition is of a generic nature; there are different species of sedition; and there is a species of sedition of which the lord advocate himself has been guilty, with regard to this trial; one fact so glaringly scandalous, that I cannot pass it over in silence. I allude to the conduct shown with respect to two witnesses upon this trial; one of these, who was incompetent to give evidence was admitted; whilst the other, on the pretext of his credibility being doubted, was rejected. I contend, with respect to Russel, that the credibility of his evidence ought to have been left to the jury, instead of the judge usurping their province; and that with respect to Johnson, there was the greatest partiality apparent. The witnesses were not fairly admitted, and, consequently, Mr. Muir could not have a fair trial. I believe, Sir, the majority of this House are associators; but I entreat them to recollect that they are also representatives: and let me ask, were these associations founded on established law, or were they self-created? If they were not formed by the command of the legislature, no man ought to be censured for not performing a duty which is not legally imposed upon him; consequently, the learned lord must have been hurried by intemperate warmth into an unguarded assertion, when he declared, on Mr. Muir's objecting to one of those gentlemen being on his jury, who belonged to an association which had prejudged him before his trial, that "if this objection was not repelled, Mr. Muir could have no jury at all to try him, but men who were either traitors or conspirators; for that all men really attached to their constitution had subscribed their names to associations of this nature."

But there is one strange assertion made

* Mr. Windham's earliest essay as a public speaker was occasioned by a call made on the country, for a subscription in aid of government, to be applied towards carrying on the war with our American colonies. It was on the 28th of January 1778, at a meeting of gentlemen of the county of Norfolk, held at Norwich. A copy of this speech will be found in the life of Mr. Windham, prefixed by Mr. Amyot to the Collection of his Speeches in Parliament, vol. i. p. 142.

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by one of the lords of justiciary. He says, "that no man has a right in the constitution, unless he possesses a landed property; men of personal property, though they may have immense sums in the funds, have no lot or part in the matter." How absurd, how nonsensical, how ridiculous! When judges speak thus with levity, at random, and in a manner that discovers the most profound ignorance of the constitution, what is the inference I would draw? That the temper of the judges is manifest from such conduct, which never occurred even in the reign of the Stuarts. Another learned lord said, that as he saw no punishment for sedition in our law, he must go into the Roman law; and having recourse to this extra-judicial authority, he at last discovered that the mildest punishment that could be inflicted on the unfortunate gentleman was transportation for fourteen years! The Roman law left it at the learned lord's discretion to give Mr. Muir either to the gallows!—to wild beasts!—or to Botany Bay; and, of the whole he had happily selected the mildest! He was utterly amazed when he learned that a judge had seriously supported such unaccountable nonsense from the bench—such nonsense as ought not to be suffered from the youngest or most ignorant student. He had always entertained the highest veneration for the character of a judge; and his indignation was roused, to find that the learned lord, instead of discharging his duty with the gravity becoming the bench, had acted with ignorance, levity, and hypocrisy. After having put his invention to the rack, he had at last hit upon the mild punishment, of fourteen years' transportation beyond the seas! Good God! Sir, any man of spirit (and such he believed Mr. Muir to be) would sooner prefer death than this mildest instance of the judge's mercy. But another of these learned lords, or perhaps the same (for with their names I profess myself totally unacquainted), asserted, that now the torture was banished, there was no adequate punishment for sedition! Here, Sir, is language which also shows the temper, the ignorance, the levity, the hypocrisy of this imprudent man: let him be either serious or in jest, the sentiment was equally intolerable. I know not which of them advanced such a proposition, but God help the people who have such judges!

I admit, Sir, that the conduct of a lord advocate is less material than that of a judge; but I do not think, that in Great Britain any person should be declared guilty, before he is arraigned and convicted of the offence. Shall we send Muir, Palmer, Skirving, Margarot, and Gerrald, to England? said the lord advocate. But here he acts, with respect to Mr. Gerrald, as he did towards Mr. Muir, and supposes him guilty, without ever being brought to a trial. The abuse of discretion has been made a topic of debate; but I assert, that when these learned lords are about to exercise discretion, they should look to England, and regulate their conduct by her example. What, Sir, was the case here? A Mr. Winterbottom* was convicted, and punished with fine and imprisonment. In the course of his imprisonment, he was placed among the common felons. As soon as the attorney-general of this country was made acquainted with the circumstance, with that humanity which should ever attend his office, he ordered him instantly to be removed: exclaiming at the same time "God forbid, let his crime be sedition, or what it may, that I should suffer this man to mix with such company, to have his morals corrupted and tainted with their villainy! I will not allow it." But, how different was the conduct of the humane court of justiciary! They send the unjustly-accused and convicted to herd with the ~~most~~ infamous and abject, and even think this punishment too mild for the offence. I wish gentlemen would speak out—that they would tell us what their notions are of the law of Scotland. Let us, for Heaven's sake, be informed what the opinion of the House really is as to this tyrannical law. Were I to live in Scotland, I should consider my life, my property, and my liberty to be insecure, and should place no confidence in the enjoyment of any of those blessings.

It cannot have escaped gentlemen, that not many years ago, associations were formed in this country, exactly on the same principles that Mr. Muir and his friends formed their associations. Sir, it is precisely for those very offences which were committed by those very associations in England, that Mr. Muir and Mr. Palmer are now condemned to transportation for fourteen years. But it will be said, that the French revolution has changed the nature of the case. It may

* See Howell's State Trials, Vol. 22, p.p. 823, 875.

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be so: but I wish never to believe, that what was once meritorious, what was once fit, and what was considered as the only means of preserving the liberties of this country, can all of a sudden have so changed its complexion, can have become so black and atrocious a crime, as to call down on the head of him who so far reveres the constitution of England, as to wish to restore it to its primitive perfection, the unrelenting vengeance of persecution: while those very men who perhaps sat this fatal example, have fled into the arms of power, as into an asylum, and are now enjoying the emoluments of the highest places this kingdom knows—the wages, perhaps, of their apostacy. Yes, Sir, these unfortunate gentlemen have done, what the right hon. the chancellor of the exchequer, what the duke of Richmond, have done before them. They have done no more. Can this House forget the addresses of those two personages to the people? and this, not to petition for a reform in parliament, not simply to state the abuses, and to pray for, in the language of suppliants, a redress of those abuses; but to demand, I say demand them as their right. As long as gentlemen shall recollect the Thatched House, and these very associations, it is impossible they can forget their addresses to the people. Oh, human folly and inconsistency! Why are these very men now exalted to the most envied stations, while poor Muir and Palmer are doomed to waste out the remainder of their lives in a foreign climate, the companions of outcasts, felons, the most degraded of the human species! And have we not, at some period or other, all of us called assemblies? Have we not all of us been guilty of crimes which might drive us to Botany Bay? Happy am I to boast, that however I may disapprove of those violent prosecutions which have been conducted in this country against individuals, on charges of sedition, that these, when compared with the trials now before us, are merciful and humane. Happy am I to boast, that it is my fortune to be a subject and an inhabitant of England. Were I a native of Scotland, I would instantly prepare to leave that land of tyranny and of despotism. Until these infamous laws are abrogated, you may talk of justice, you may talk of juries, but all trials are mockeries. Until these infamous laws are abrogated, the liberty of the subject is insecure and unprotected; and Scotland, like France, is a land of despotism and oppression.

After having bestowed a very warm panegyric on his hon. and learned friend, (Mr. Adam,) who had that day delivered one of the most excellent and argumentative speeches ever heard within those walls, Mr. Fox concluded by urging, that the present question was of the very first importance, not only to the people of England, but to all civilised society. Until such time, continued he, as there is a law to send me to Botany Bay for publicly avowing my sentiments, I shall think it a duty incumbent upon me to condemn the actions of those in power, whenever they may, as in the present instance, call forth the execration of mankind. If England, unhappily relapsing into despotism, should ever be governed by such principles, then farewell, a long farewell, to our boasted freedom! And sure, I am, that no country connected with it can ever enjoy civil liberty.

Mr. *Pitt* said, that the grounds of discussion were simple; and, in his opinion, an inquiry into this business would lead to the conclusion, that no doubt could be entertained, either of the legality of the trials under review, or of the propriety of the manner in which the lords of justiciary had exercised their discretion upon the occasion. Upon a general consideration of the various aspects under which the question had been viewed, it would appear that the legality of these sentences would depend on the construction and operation of the act of 1703, by virtue of which the court of justiciary were empowered, under the general term banishment, to pronounce sentence of transportation. By arguing upon the present cases of leasing-making, the lord advocate did not mean to assert, that even for that offence judgment of transportation might not be pronounced; but had only remarked that, in his opinion, it was most proper to prefer indictments for sedition, which made the delinquents liable to incur arbitrary punishments, according to the Scottish law. Previous to the passing of the act of queen Anne, leasing-making, under various modifications, was made a capital offence by different acts of parliament. The object of that statute was, to take away the capital part of that crime, and to substitute fine, imprisonment, or banishment, or any corporal punishment, in its stead. Upon an attentive consideration of the statute, it would, however, appear that the term "banishment" had not been used as

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pointing out a particular way in which a punishment was to be inflicted, but had only been stated as one among the many other modes of arbitrary punishments which the court of justiciary were by that statute empowered to substitute in lieu of the capital one which was formerly used. If, therefore, the punishment annexed to these crimes was arbitrary, the legislature must certainly have meant to invest the judges with a discretionary power; and as the parliament had frequently specified the exercise of the mitigated mode of banishment to which some gentlemen had alluded, it would follow, that where no such specification had been made, the general power of banishing, according to the utmost extent of the term, was meant to be given to the judges of whom he spoke. From a variety of precedents, which had occurred from the year 1687 to 1754, it would appear that the term "banishment" had been used in the same sense put upon it by the lord advocate, and that the statute of Anne had adopted it in the same manner. Having stated the different precedents, he proceeded to remark, that in all the instances which he had adduced the sentence of banishment had been followed up by orders for transportation. The whole, therefore, of an hon. gentleman's argument, proceeded on his having confounded the distinction between capital and arbitrary punishments.—An additional proof that the statute of Anne meant to bestow upon the judges the power of substituting the latter in lieu of the former, would appear still more evident from the case of Baillie, which happened soon after the statute was passed. In order, however, to evade the force of this precedent, a violent attack had been made upon the privy council by which the sentence was pronounced. For some years previous to the Revolution, especially during the reigns of Charles and James the second, he admitted that the proceedings of that body were justly obnoxious to the people. But, after the Revolution, that body was not supposed to be inimical to the progress of civil liberty; but, on the contrary, during the reigns of king William and queen Anne, the members of it were always deemed the most zealous friends to the freedom of the nation.—It had been argued against the authority of this precedent, that the parliament had deliberately suffered the law which it passed to be violated by this privy council, as another punishment had been added to those which had been pointed out by the act. This argument, however, proceeded upon a misconstruction of the act in question: the punishment was arbitrary; and it being so, the pillory might be superadded to it without any violation of the law in question. At this distance of time it was impossible we could precisely know the objects which the sentence against Baillie had in view; but the presumption ought now surely to be, that the sentence was legal, and that consequently the court had the power of superadding corporal punishment and infamy, to fine, imprisonment, and banishment.—It might perhaps be contended, that all these remarks on leasing-making were superfluous, because the present offences had been stated as instances of sedition; and from thence gentleman had been pleased to conclude, that they were not at all punishable by the existing law of Scotland. But if it could be seriously asserted, that no punishment was by that law provided for the numerous class of crimes which in England were punished either as misdemeanors or libels—if that law was so defective, and authority upon that subject so silent, that civil society of which we were members had the right, through its magistrates and judges, to declare wherein sedition consisted—an offence which was permanent in its nature, however, modified by circumstances, times, and seasons. On the contrary, however, he conceived, that by the common law of Scotland, all of these offences which were not included within the five statutes against leasing-making, were sedition, and consequently liable to incur arbitrary punishment. These crimes of sedition were made treason by the act 1584, and that act continued in force till 1707, when Scotch and English treasons were assimilated to each other; and thus, according to the argument of the gentlemen opposite, in the interval between 1703 and 1707, the offences contained in the act of 1584 were either reduced to non-entities, or converted into leasing-making or sedition.—It had been stated as a very singular phænomenon, that no recent instance had offered itself in practice with regard to sedition in Scotland, and yet there had been two rebellions in that country. But whoever had considered the political agitations of that part of the United Kingdom, must have seen that the struggle there was for

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the higher exercise of power and prerogative in a certain family, and not for the propagation of principles which, by exciting discontent and insurrection among the lower orders of the community, had a tendency to promote sedition. Sir George Mackenzie, whose authority seemed to be pretty much relied on, even by those who most warmly censured him, in a passage in his commentary on the statute 10 James 6th c. 10. enters into a minute description of sedition, which must be an offence, varying according to particular acts, times, and countries, but which, upon the whole, must in Scottish jurisprudence have ever been esteemed a distinct and specific crime, liable to the infliction of arbitrary punishment. The legality of the proceedings being thus established, he must next call the attention of the House to the circumstances of the trial, as stated by the lord advocate; and without enquiring whether the country was exactly divided into associators and republicans, he must remark, that the jury having belonged to the Goldsmiths-hall association, could be no just cause of challenge, as they might still act with the most impartial justice towards the libeller, however they might hate the libel. This whole transaction had been represented as most oppressive; but, stripped of all party exaggerations, it would appear that the question with regard to Flower's book had been waved, that instead of ransacking the actions of Muir's life, none but those of the three last months of it had been inquired into; that his exculpatory witness, James Russel, had not been examined, from his own misconduct; and the circumstances which he was called upon to prove, were unequivocally admitted by the lord advocate. When, then, he had no doubt of the legality of the sentence, he would not be disposed to entertain surmises to the prejudice of the judges, on account of any mistaken expressions they might use; nor would he think it at all necessary to enter into any justification of his learned friend, the lord advocate, with regard to the part he had acted in this business, nor of his own behaviour on the question of parliamentary reform. He thought that the judges would have been highly culpable, if, vested as they were with discretionary powers, they had not employed them for the present punishment of such daring delinquents, and the suppression of doctrines so dangerous to the country.

Mr. *Adam* made a very able reply, in which he expressed his astonishment that ministers should advise the execution of such sentences against men whose offence might perhaps be traced to the doctrines formerly inculcated by some of those who now held distinguished situations in the cabinet.

Mr. *Grey* shortly stated what the offences were of which these gentlemen had been accused. He said, that Mr. Pitt had acted on their principles at the meeting at the Thatched house in 1782, that the doctrines promulged from thence by Mr. Pitt and the duke of Richmond were of the same tendency as those maintained by these two unfortunate gentlemen; nay, that the duke of Richmond had gone greater lengths than either of them, in recommending universal suffrage, and telling the people that they must depend on their own exertions in procuring a parliamentary reform; and that the efforts of the noble duke and Mr. Pitt in 1782, on that subject, might be regarded as having produced the exertions of Messrs. Muir and Palmer in Scotland. But what was the result? The noble duke and Mr. Pitt sat in his majesty's cabinet, and gave their sanction for carrying into execution the sentences passed on Mr. Palmer and Mr. Muir, that they should be banished for fourteen years, and doomed to live with the out-casts of society. Mr. Grey said, that he entirely agreed with Mr. Fox, that if the criminal law of Scotland were extended to England, then it would no longer be the country where a freeman could live.

The House divided:

Tellers.

Yeas	Mr. Grey Mr Sheridan	32
Noes	The L. A. of Scotland, Mr. Anstruther:	171

So it passed in the negative. Mr. Adam then made a similar motion with regard to the trial of Mr. Palmer; and moved also an address to his majesty, in behalf of Messrs. Muir and Palmer, embodying the various arguments made use of in the course of his speech. They were negatived without a division.

END OF VOL. XXX.

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